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C L E R K ' S R E C O R D

Volume TWO of FOUR

Trial Court Cause Number F00-02424-NM

In the JUDICIAL District Court #194

of Dallas County, Texas,

Honorable H. ENTZ, Judge Presiding.

=====

THE STATE OF TEXAS, Plaintiff

vs.

JEDIDIAH ISAAC MURPHY, Defendant

=====

Appealed to the  
Court of Criminal Appeals of Texas at Austin, Texas,  
or Court of Appeals for the \_\_\_\_\_ District of Texas, at \_\_\_\_\_, Texas.

=====

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**FILED IN  
COURT OF CRIMINAL APPEALS**

**NOV 05 2001**

**Troy C. Bennett, Jr., Clerk**

Delivered to the Court of Criminal Appeals of Texas at Austin, Texas,  
or Court of Appeals for the \_\_\_\_\_ District of Texas, at \_\_\_\_\_, Texas.  
on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

signature of clerk \_\_\_\_\_

name of clerk \_\_\_\_\_

title \_\_\_\_\_

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Appellate Court Cause No. \_\_\_\_\_

Filed in the Court of Criminal Appeals of Texas at Austin, Texas,  
or Court of Appeals for the \_\_\_\_\_ District of Texas, at \_\_\_\_\_, Texas,  
this 25TH day of OCTOBER, 2001.

JIM HAMLIN, DALLAS COUNTY DISTRICT CLERK

By JANE MILLER, Deputy

FORM 355A

JEDIDIAH ISAAC MURPHY

CAUSE NO. F00-02424-NM

VS:

IN THE 194TH JUDICIAL DISTRICT

THE STATE OF TEXAS

COURT OF DALLAS COUNTY, TEXAS

## =====

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F00-02424-M AND F00-23910-M

THE STATE OF TEXAS

V.

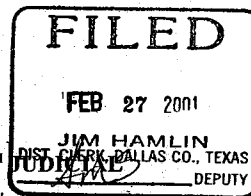
JEDIDIAH ISAAC MURPHY

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IN THE 194<sup>TH</sup>

DISTRICT COURT OF

DALLAS COUNTY, TEXAS



INDEX TO DEFENDANT'S PRETRIAL MOTIONS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant, by and through undersigned counsel, and presents this his first Index to Defendant's Pretrial motions, with the motions to be ruled upon by the Court following:

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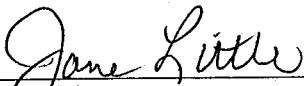
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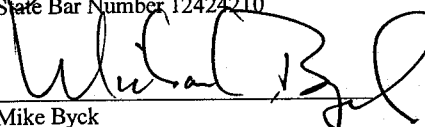
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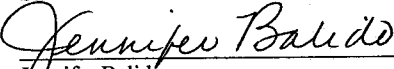
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Respectfully Submitted,

  
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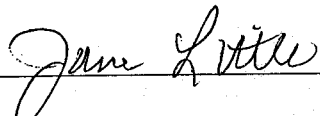
  
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document and copies of the motions listed herein were served upon Greg Davis, Assistant District Attorney for Dallas County on the date of filing herein.

  
\_\_\_\_\_

F00-02424-M AND F00-23910-M

STATE OF TEXAS

VS.

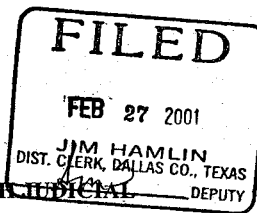
JEDIDIAH ISSAC MURPHY

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IN THE 194TH JUDICIAL  
DISTRICT COURT  
DALLAS COUNTY, TEXAS



**MOTION TO PRECLUDE PROSECUTION FROM SEEKING THE DEATH PENALTY**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Defendant in the above-styled and numbered cause, by and through his attorney of record, and files this Motion to Preclude Prosecution from Seeking the Death Penalty and as grounds therefore would show this Court as follows:

**I. BACKGROUND**

In view of the many different capital sentencing schemes that have been in operation in Texas in the post-Furman era, the Texas death penalty has been arbitrarily imposed and, thus, is unconstitutional under the Eighth and Fourteenth Amendments. In order to understand the basis of this claim, this Court must recognize the large number of discrete capital sentencing schemes that have been in operation in Texas capital cases since the early 1970s, when the modern death penalty statutes were enacted in the wake of the Supreme Court's decision in Furman. At a capital murder trial in 1999, a capital defendant's sentencing jury will be instructed pursuant to Article 37.071 of the Texas Code of Criminal Procedure. As discussed below, this is one of many different capital sentencing schemes in operation in Texas since 1973.

Of the many hundreds of persons sentenced to death in Texas since the "modern" capital sentencing statute was enacted, the vast majority were sentenced under jury instructions that simply tracked the unadorned "special issues" contained in the original version TEX. CODE CRIM. PROC. Article 37.071(b) (Vernon's 1989). See generally P.M. McClung, JURY CHARGES FOR TEXAS CRIMINAL PRACTICE 75-78 (rev. ed. 1981). After the landmark decision in Penry v. Lynaugh, 492 U.S. 302 (1989), however, the consistency in Texas capital

sentencing instructions quickly disappeared, both as a result of legislative action and unsupervised judicial improvising by trial courts. See generally Peggy M. Tobolowsky, *What Hath Penry Wrought?: Mitigating Circumstances and the Texas Death Penalty*, 19 AMER. J. CRIM. L. 345 (1992). In 1991, the Texas Legislature enacted an amended, post-Penry version of Article 37.071, which modified the “special issue” format. That statute applies to all crimes committed on or after September 1, 1991; under the 1991 version of the statute, the old version of Article 37.071 applied to all crimes committed before September 1, 1991. See TEX. CODE CRIM. PRO. Art. 37.071 (Vernon 1992). Again in 1993, the Texas Legislature enacted yet another amended version of Article 37.071. That statute, which became effective September 1, 1993, amended the “special issue” format applicable to all crimes committed before September 1, 1991. See TEX. CODE CRIM. PRO. Art. 37.071 (Vernon 1993).

Roughly speaking, the various types of Texas capital sentencing instructions in the post-Furman era can be broken down into seven different categories, although at least two categories contain sub-sets:

- (1) The unadorned “special issues” in the pre-1991 version of Article 37.071. That statute was in effect for all capital murder trials from January 1, 1974 until the date on which Penry was decided on June 26, 1989. For capital murders committed before September 1, 1991, it also was in effect for many cases tried from June 26, 1989 until August 30, 1993, when Art. 37.071 was amended.
- (2) The 1991 amended version of the statute. This version of the sentencing instructions has been applied in all capital murder trials for murders committed on or after September 1, 1991. This version of the statute is applicable to Defendant’s case.
- (3) The pre-1991 statute with an extra-statutory “Quinones”-type instruction. Quinones v. State, 592 S.W.2d 933, 947 (Tex. Crim. App. 1980) (no error to refuse to submit the following extra-statutory instruction to the capital defendant’s sentencing jury: “Evidence presented in mitigation of the penalty may be considered should the jury desire, in determining the answer to any of the special issues.”) This version of the sentencing instructions was applied at a number of Texas capital murder trials both before and after Penry was decided.

- (4) The pre-1991 statute with an extra-statutory Penry-type "fourth special issue." State v. McPherson, 851 S.W.2d 846 (Tex. Crim. App. 1992). This version of the sentencing instructions has been applied in certain trials after Penry for a capital murder committed before September 1, 1991.
- (5) The pre-1991 statute with a "nullification" instruction. Fuller v. State, 829 S.W.2d 209 & n.5 (Tex. Crim. App. 1992) ("When you deliberate about the questions posed in the Special Issues, you are to consider any mitigating circumstances supported by the evidence presented at both phases of the trial. A mitigating circumstance may be any aspect of the defendant's character and record or circumstances of the crime which you believe makes a sentence of death inappropriate in this case. If you find there are any mitigating circumstances, you must decide how much weight they deserve and give them effect when you answer the Special Issues. If you determine, in consideration of this evidence, that a life sentence, rather than a death sentence, is an appropriate response to the personal moral culpability of the defendant, you are instructed to answer at least one of the Special Issues under consideration "No".) This version of the sentencing instructions has been applied at a large number of trials after Penry for capital murders committed before September 1, 1991.
- (6) The pre-1991 statute in which "deliberately" is broadly defined. See e.g., Martinez v. State, 867 S.W.2d 30 (Tex. Crim. App. 1993). This version of the sentencing instructions has been applied in certain trials since Penry was decided for capital murders committed before September 1, 1991.
- (7) The 1993 version of the statute as applied to all crimes committed on or before August 30, 1991. This version of the statute will apply to any trial or re-trial that commences after August 29, 1993, for capital murders committed on or before August 30, 1991.

Note that the above categories of cases reveal three significant contradictions in the Court of Criminal Appeals' capital sentencing jurisprudence during the last two decades. First, there is the contradiction between Quinones and its progeny and the many recent cases in which the Court has given its imprimatur to the very instruction rejected in Quinones. See e.g., Fuller v. State, 827 S.W.2d 919 (Tex. Crim. App. 1992). Second, there is the contradiction between Stewart v.

State, 686 S.W.2d 118, 121-24 (Tex. Crim. App. 1980), and at least one case in which the Court has given its imprimatur an extra-statutory charge specifically permitting jurors to consider specific mitigating evidence. See McPherson v. State 851 S.W.2d 846 (Tex. Crim. App. 1992). Also relevant in this regard are the many recent cases in which the Court of Criminal Appeals has given its stamp of approval to “nullification” instructions. See e.g., Fuller v. State, 829 S.W.2d 191 (Tex. Crim. App. 1992). Finally, there is the contradiction between the Court’s consistent refusal to require trial courts to define “deliberately” as used in the first special issue, see e.g., Russell v. State, 665 S.W.2d 771, 779-80 (Tex. Crim. App. 1983), and the Court’s imprimatur of a trial judge’s extra-statutory definition of the term in Martinez v. State, 867 S.W.2d 30 (Tex. Crim. App. 1993).

## II. ARGUMENT

In numerous cases, the United States Court has stated, in keeping with our Nation’s federalism, that “we are unwilling to say that here is any one right way for a State to set up its capital sentencing scheme”. Spaziano v. Florida, 468 U.S. 447, 464 (1984). The Court has stated, however, that *within* a single state, there must be consistency in the treatment of capital defendants who are subject to the death penalty. Spaziano at 460 (“If a State has determined that death should be available for certain crimes, then it must administer that penalty in a way that can rationally distinguish between those individuals for whom death is an appropriate sanction and those for whom it is not”). Thus, “each distinct [state] system must be examined on an individual basis.” See Pulley v. Harris, 465 U.S. 37, 45 (1984) (quoting Gregg v. Georgia, 428 U.S. 153, 195 (1976) (joint opinion of Stewart, Powell & Stevens, JJ.)).

In Furman v. Georgia, 408 U.S. 238 (1972), the chief constitutional infirmity that the controlling members of the Court pointed to in their respective concurring opinions was *arbitrariness*. See Furman at 274 (Brennan, J., concurring) (“In determining whether a punishment comports with human dignity, we are aided...by...[a] second principle inherent in [the Eighth Amendment Cruel and Unusual Punishments] Clause—that the State much not arbitrarily inflict punishment.”); Furman at 309 (Stewart, J., concurring) (“These death sentences are cruel and unusual in the same way that being struck by lightning is cruel and unusual.”); see also Spaziano, 468 U.S. at 460.



The above discussion of the various sentencing schemes concurrently in operation in Texas, "a distinct system", Gregg, 428 U.S. at 195, amply demonstrate that the present Texas death penalty system is being implemented in an "arbitrary" manner. At least seven categories of similarly situated capital defendants have been treated disparately. Put another way, it is certainly conceivable that, *ceteris paribus*, a single hypothetical Texas capital defendant would be given a different sentence depending on which of the seven different sentencing schemes was in operation at his trial. This is quintessential arbitrariness—the very type condemned in Furman.

Defendant recognizes that the Texas Legislature was certainly justified in amending Art. 37.071(b) as it did in 1991; indeed Penry certainly appeared to require such. See Shelley Clarke, Note, *A Reasoned Moral Response: Rethinking Texas' Capital Sentencing Statute After Penry v. Lynaugh*, 69 TEX. L. REV. 407 (1990). If that were the only other scheme concurrently in operation with the pre-1991 version of Art. 37.071, in all likelihood Defendant would never have made this claim. But that is not what happened in the wake of Penry.

Rather, numerous trial courts throughout this state and the Texas Legislature have haphazardously created, in addition to the prevailing pre-1991 capital sentencing scheme, a total of at least six new, distinct capital sentencing schemes that have governed similarly or identically situated Texas capital defendants. Particularly noteworthy is the Court of Criminal Appeals' failure to impose uniformity among the practices adopted by the trial courts. Nor is the Legislature free from its share of the blame. By waiting until August 30, 1993, to amend Art. 37.071 as it applies to trials or retrials of capital defendants who committed their crimes before September 1, 1991, the Legislature has sowed the seeds of arbitrariness and inconsistency. Under both identical and analogous circumstances, other States have not dealt with seemingly sweeping invalidations of their post-Furman death penalty statutes in such a chaotic manner. See OREGON REVISED STATUTES, §163.150 (as amended July 24, 1989); State v. Wagner, 786 P.2d 93, 99-100 (Ore. 1990); cf. OHIO REVISED CODE §§2929.02-06 (as amended 1981); State v. Melchior, 381 N.E.2d 195, 200 (Ohio 1978); David J. Benson, *Constitutionality of Ohio's New Death Penalty Statute*, 14 TOLEDO L. REV. 77 (1982).

Fetterly v. Paskett, 997 F.2d 1295 (9<sup>th</sup> Cir. 1993), presents an analogous situation to the instant case. In that case, the Ninth Circuit condemned an instance of "Furman arbitrariness"

within a single state's capital sentencing system. In particular, the court in dicta stated that a federal constitutional violation occurred when the Idaho Supreme Court's refusal to apply the clear mandate of state capital sentencing law, which governed the weighing of aggravating factors against mitigating factors, to all similarly situated capital defendants. The court's reasoning is cogent and should be applied to Texas' experience:

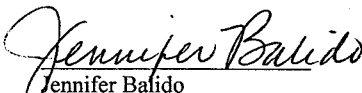
In Godfrey v. Georgia, 446 U.S. 420, 100 S.Ct. 1759, 64 L.Ed.2d 398 (1980), the Supreme Court held that states can impose the death penalty for certain crimes without running afoul of our constitutional prohibition against cruel and unusual punishment, but only if the manner in which the penalty is selected "provide[s] a meaningful basis for distinguishing the few cases in which [the penalty is] imposed from the many cases in which it is not". Godfrey at 427. As pointed out by Justice Stevens, "this Court's decisions have make clear that States may impose this ultimate sentence *only if they follow procedures* that are designed to assure reliability in sentencing determinations. Barclay v. Florida, 463 U.S. 939, 958-59, 103 S.Ct. 3418, 3429, 77 L.Ed.2d 1134 (1983) (Stevens, J., concurring) (emphasis added). Part of the requirement of reliability is "that the [aggravating and mitigating] reasons present in one case will reach a similar result to that reached under similar circumstances in another case." Barclay at 954...(quoting Proffitt v. Florida, 428 U.S. 242, 251, 96 S.Ct. 2960, 2966, 49 L.Ed.2d 913 (1976) (opinion of Stewart, Powell, and Stevens, JJ.))(internal quotations omitted) . Because Fetterly may not have been sentenced to death as prescribed by Idaho Code § 19-2525(c), this goal of similar sentences in similar cases may not have been met.

Fetterly, 997 F.2d at 1299.

Although Texas' experience is different in that it involves a global violation of all Texas capital defendants' rights to be free from arbitrary, inconsistent capital sentencing procedures, while Idaho apparently only violated one or a few defendant's rights, Fetterly's reasoning applies equally to Texas. The bottom line is that Texas courts and the state Legislature, without any discernible rational basis, have haphazardly turned Texas' capital sentencing scheme into a patch-work quilt. Because similarly situated Texas capital defendants have been unjustifiably sentenced to death under radically different sentencing schemes, this Court must preclude the State from seeking the death penalty in the instant case.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that the Court grant this motion.

Respectfully submitted,

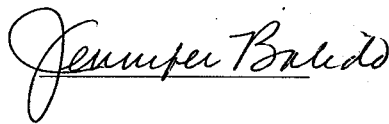
  
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ATTORNEYS FOR DEFENDANT

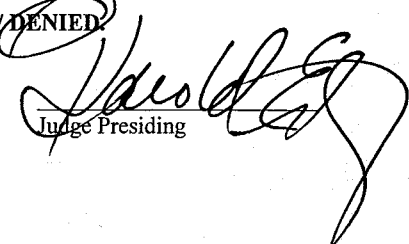
CERTIFICATE OF SERVICE

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Dallas County District Attorney's Office by personal delivery on the same date of filing herewith.



ORDER

On the 6-04-01 the Court having considered the above and foregoing Motion finds the same is hereby **GRANTED / DENIED**

  
Judge Presiding

00245

NO. F00-02424-M AND F00-23910-M

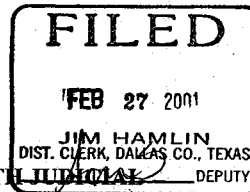
STATE OF TEXAS

VS.

JEDIDIAH ISSAC MURPHY

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IN THE 194TH JUDICIAL DISTRICT COURT  
DALLAS COUNTY, TEXAS



**MOTION TO QUASH BASED ON UNCONSTITUTIONALITY OF TEXAS  
CAPITAL SENTENCING SCHEME**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Defendant in the above-styled and numbered cause, by and through his attorney of record, and files this Motion to Quash Based on Unconstitutionality of Texas Capital Sentencing Scheme, and in support of said motion would show:

I.

A. The Texas death penalty scheme violates the Eighth and Fourteenth Amendments to the United States Constitution because a death sentence imposed under article 37.071 is not subject to meaningful appellate review. A death penalty statute which is not subject to meaningful appellate review is unconstitutional. See Gregg v. Georgia, 428 U.S. 153, 96 S.Ct. 2909 (1976).

The Texas Court of Criminal Appeals has expressly held that the so-called "mitigation" issue is not legally or logically subject to sufficiency review on appeal. E.g., Colella v. State, 915 S.W.2d 834 (Tex. Crim. App. 1995); Lawton v. State, 913 S.W.2d 542 (Tex. Crim. App. 1995); Broussard v. State, 910 S.W.2d 952 (Tex. Crim. App. 1995). Because the mitigation issue contained in Article 37.071§2(e) is open-ended and unstructured --i.e., not enumerating a list of mitigating and aggravating factors and not requiring jurors to make specific "findings" in this regard--the Court of Criminal Appeals has no way to know which aggravating and mitigating factors that jurors considered. Thus, the appellate court has no way to know how, and indeed whether, the jury considered all of the constitutionally relevant mitigating evidence offered at trial. In this way, meaningful appellate review is impossible.

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And recent court decisions indicate that even the first special issue under article 37.071§2(b)(1) has become incapable of meaningful review on appeal. See Martinez v. State, 924 S.W.2d 695 (Tex. Crim. App. 1996) (Baird & Maloney, J.J., dissenting).

The second special issue, the so-called “anti-parties” instruction is legally meaningless in Texas. Every person who has been found guilty of intentionally or knowingly causing the death of an individual in the first phase of the trial will necessarily meet the requirements for an affirmative answer to the second special issue. See Lawton v. State, 913 S.W.2d 542 (Tex. Crim. App. 1995).

B. Meaningful appellate review of a death penalty verdict is also required under Article I, §§ 3, 3a, 10, 13, and 19 of the Texas Constitution and Article 44.251 of the Texas Code of Criminal Procedure.

## II.

A. The statutory “mitigation” special issue is unconstitutional because it fails to place the burden of proof on the state regarding aggravating evidence. The Supreme Court has held that the Eighth Amendment requires the State to prove the existence of aggravating factors during the capital punishment phase. See, e.g., Walton v. Arizona, 497 U.S. 639, 110 S.Ct. 3047, 3055 (1990) (“State’s method of allocating burdens of proof [during capital sentencing phase cannot] lessen the State’s burden... to prove the existence of aggravating circumstances”). In order to understand why Walton applies to the statutory “mitigation” special issue, the Court must recognize that this special issue is a conduit for aggravating (as well as mitigating) factors. By asking jurors to determine whether there are “sufficient ... mitigating circumstances,” the statutory special issue in effect tells jurors to consider any possible aggravating factors that may outweigh the mitigating factors present in the case. Although the statute does not explicitly use the term “aggravating circumstance,” clearly that is how a reasonable juror would interpret the statute. Cf. Johnson v. Texas, 509 U.S. 350, 113 S.Ct. 2658 (1993) (describing jurors’ determination of answer to “future dangerousness” special issue to require balancing of aggravating and mitigating circumstances). Because the statute is silent about whether the state or the defense has the burden of proof on aggravating factors, and moreover, because the language of the special issue implies that the burden to disprove aggravating circumstances is on the defense, the statute is unconstitutional under the Eighth and Fourteenth Amendments to the United States Constitution.

B. This failure of the statute to allocate to the state the burden of proof beyond a reasonable doubt concerning mitigation evidence also violates Article I, §§ 3, 3a, 10, 13 and 19 of the Texas Constitution. Under the “due course of law” provision of the Texas Constitution, Article I §10, the citizens of this state are guaranteed that any punishment for an offense will be in accordance with the law. McFarlane v. State, 254 S.W.2d 136, 137 (Tex. Crim. App. 1953). When the burden of proof is shifted to the defendant, the state’s burden has essentially been reduced. See e.g., Corbarrubio v. State, 675 S.W.2d 749 (Tex. Crim. App. 1983) overruled in part, Lawrence v. State, 700 S.W.2d 208 (Tex. Crim. App. 1985), and Elliot v. State, 858 S.W.2d 478, 487-488 (Tex. Crim. App. 1993). Such a punishment, based on a reduced burden, is not in accordance with Texas law and is unconstitutional.

### III.

The statutory “mitigation” special issue is unconstitutional under the Eighth and Fourteenth Amendments to the United States Constitution because it permits the very type of open-ended discretion condemned by the United States Supreme Court in Furman v. Georgia, 408 U.S. 238, 92 S.Ct. 2726 (1972). In Furman, in which the Supreme Court struck down capital punishment as it then was being administered, the chief constitutional infirmity that the controlling members of the Court pointed to in their respective concurring opinions was arbitrariness. In particular, the Court condemned the open-ended, unstructured discretion that was given to capital sentencing juries. See also, Gregg v. Georgia, 428 U.S. 153, 96 S.Ct. 2909 (1976); Spaziano v. Florida, 468 U.S. 447, 104 S.Ct. 3154 (1984).

In the years following the Supreme Court’s decision in Penry v. Lynaugh, 109 S.Ct.2934 (1989), the Texas Legislature enacted a new capital sentencing scheme that sought to cure the constitutional defect in the former capital sentencing scheme identified by the Court in Penry. The new statutory “Penry” special issue contained in Article 37.071 of the Texas Code of Criminal Procedure, provides as follows:

Whether, taking into consideration all of the evidence, including the circumstances of the offense, the defendant’s character and background, and the personal moral culpability of the defendant, there is sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed.

Five members of the modern Supreme Court have, directly or indirectly, condemned an open-ended, unstructured capital sentencing instruction--such as Texas' statutory "Penry" special issue--as violative of the Eighth and Fourteenth Amendments to the United States Constitution. See Penry v. Lynaugh, 492 U.S. 302, 360, 109 S.Ct. 2934, 2969 (1989) (Scalia, J. dissenting, joined by Rehnquist, C.J., White, J. & Kennedy, J.) ("In holding that the jury had to be free to deem Penry's mental retardation and sad childhood relevant for whatever purpose it wished, the Court has come full circle, not only permitting but requiring what Furman once condemned."); Graham v. Collins, 506 U.S. 461, 496, 113 S.Ct. 892, 903-15 (1993) (Thomas, J. concurring) ("Penry reintroduces the very risks that we had sought to eliminate through the simple directive that States in all events provide rational standards for capital sentencing."). In dicta, Justice Thomas has explicitly suggested that the type of sentencing scheme in operation at defendant's trial violates Furman. See Graham, 506 U.S. at 495 n.9, 113 S.Ct. at 913 n.9 (discussing the present Texas capital sentencing statute).

#### IV.

A. The Texas capital sentencing statute's definition of "mitigating evidence" is unconstitutional because it limits the Eighth Amendment concept of "mitigation" to factors that render a capital defendant less morally "blameworthy" for commission of the capital murder. The present Texas capital sentencing statute defines "mitigating evidence" as "evidence that a juror might regard as reducing the defendant's moral blameworthiness." Tex. Code Crim. Proc. Ann. arts. 37.071 §2(c)(4) & 37.0711 §3(f)(3) (Vernon 1994). This definition of "mitigating evidence" is unconstitutionally narrow. The Supreme Court has held that constitutionally relevant mitigating evidence is not simply that type of mitigating evidence that relates to a capital defendant's moral culpability or blameworthiness for the crime, but also includes any mitigating evidence relevant to a defendant's character, history, or circumstances of the crime that militates in favor of a life sentence. See e.g., Skipper v. South Carolina, 476 U.S. 1, 106 S.Ct. 1669 (1986). Numerous types of constitutionally relevant mitigating evidence thus have nothing to do with a capital defendant's moral culpability or blameworthiness -- such as a history of positive character traits, kindness shown toward children, or artistic talent. Although the statutory "Penry" special issue speaks of "the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant," the statute's separate definition of "mitigating evidence" limits jurors' consideration of such evidence to those mitigating factors that specifically implicate the

defendant's moral blameworthiness. Therefore, the statute's limited definition of "mitigating evidence" violates the Eighth and Fourteenth Amendments to the United States Constitution.

B. The Texas capital sentencing statute, which limits the jury to consideration of the special issues, does not permit the jury to consider and give effect to all the mitigating circumstances which exist concerning defendant, in violation of Article I, §§ 10, 13 and 19 of the Texas Constitution.

V.

The "mitigation" special issue is unconstitutional because it fails to require that mitigation be considered. A juror is required to consider all mitigation. After the juror has considered the mitigation, it is then up to the juror to determine what effect to give the mitigation. Capital murder statutes that have survived constitutional scrutiny all require that the jury be told that it must consider all mitigating evidence. E.g., Johnson v. Texas, 509 U.S. 350, 113 S.Ct. 2658 (1993); Boyde v. California, 494 U.S. 370, 110 S.Ct. 1190 (1990); Blystone v. Pennsylvania, 494 U.S. 299, 110 S.Ct. 1078(1990). Failure to mandate consideration of mitigating evidence makes this statute unconstitutional in violation of the Eighth Amendment.

VI.

The Texas capital punishment scheme unconstitutionally chills defendant's ability to present relevant mitigating evidence to the jury, in violation of the Eighth and Fourteenth Amendments to the United States Constitution, and Article I §§ 10, 13, and 19 of the Texas Constitution.

VII.

The unconstitutional chilling effect described in paragraph VI above denies defendant the effective assistance of counsel, guaranteed by the Sixth and Fourteenth Amendments of the United States Constitution and Article I §10 of the Texas Constitution.

VIII.

The Texas death penalty scheme gives prosecutors unfettered discretion in deciding whether to seek the death penalty in any particular case in violation of the Eighth and Fourteenth Amendments to the United States Constitution and Article I, §§ 10, 13 and 19 of the Texas Constitution.



IX.

Article 37.071 of the Texas Code of Criminal Procedure mandates that the “jury should return a special verdict of ‘yes’ or ‘no’ on each issue submitted.” It further requires the court to instruct the jury that it may not answer “yes” unless it agrees unanimously, and that it may not answer “no” unless 10 or more jurors agree. The article mandates a life sentence if the jury is unable to agree on a special verdict. And the article provides that nobody inform jurors that a failure to agree on a special issue will result in a life sentence. These provisions considered together violate the Eighth and Fourteenth Amendments of the United States Constitution and Article I §§ 10, 13 and 19 of the Texas Constitution for the following reasons:

1. Informing a juror that he shall answer the questions “yes” or “no” might reasonably cause this juror to shift his position to satisfy the requirements of the “10-12” rule.
2. The statutory prohibition against informing jurors of the impact of his individual vote relieves him of psychological responsibility for the jury’s collective decision to impose death as punishment.
3. The statutory prohibition fails to provide the jury with accurate information concerning the sentencing process in Texas. See State v. Williams, 392 So.2d 619, 633 (La. 1980)(on rehearing); State v. Ramseur, 524 A.2d 188, 284 (N.J. 1987); Kubat v. Thieret, 867 F.2d 351, 369-73 (7th Cir.), cert. denied, 493 U.S. 874, 110 S.Ct. 206 (1989). See also Andres v. United States, 333 U.S. 740, 752, 68 S.Ct. 880, 886 (1948) (federal capital case).
4. The statutory 10 vote prerequisite to a “no” response establishes an artificial numerical threshold which bears no relationship to conditions required by Texas law for assessment of a life sentence. See, R. Clary, Voting for Death: Lingerin Doubts About the Constitutionality of Texas’ Capital Sentencing Procedure, 19 St.M.L.J. 353, 374-75 (1987).
5. The statutory “10-12” provision violates the constitutional principles discussed in Mills v. Maryland, 486 U.S. 376, 108 S.Ct. 1860 (1988); see also McKoy v. North Carolina, 494 U.S. 433, 110 S.Ct. 1227 (1990). The “10-12” provision requires that, in order for the jury to return answers to the special issues that would result in a life sentence, (i) at least ten jurors must vote “no” in answering the first special issue, (ii) at least ten jurors must vote “no” in answering the second special issue, or (iii) at least ten jurors must vote “yes” in answering the “mitigation” special issue. Defendant contends that this “10-12” provision violates the Eighth and Fourteenth Amendments because there

is a reasonable possibility that, under the present Texas capital sentencing scheme, all twelve jurors in a capital case could believe that a life sentence would be appropriate under state law, but because at least ten jurors could not collectively agree on their answer to any one of the special issues, the jury could not return a life sentence.

X.

The Texas capital punishment scheme is unconstitutional in violation of the Eighth and Fourteenth Amendments of the United States Constitution and Article I §§ 10, 14 and 19 of the Texas Constitution, because it does not provide for the possibility of a life sentence without parole, which virtually insures that the jury will impose a death sentence.

XI.

The Texas capital punishment scheme, which permits the admission of unadjudicated extraneous offenses at punishment, does not comport with the heightened reliability required by the Eighth and Fourteenth Amendments of the United States Constitution and Article I §§ 10, 14, and 19 of the Texas Constitution.

XII.

The Texas death penalty scheme is a mandatory one, in violation of the Eighth and Fourteenth Amendments of the United States Constitution and Article I §§ 10, 14, and 19 of the Texas Constitution.

XIII.

The Texas death penalty scheme is unconstitutional in violation of the Eighth and Fourteenth Amendments of the United States Constitution and Article I §§ 10, 14 and 19 of the Texas Constitution, because it does not define the various terms and phrases used in the special issues in ways that would permit the jury to give full mitigating significance to those terms.

XIV.

The terms in the first special issue--probability, criminal acts of violence, and continuing threat to society-- are undefined and are vague and imprecise. As such, they do not guide the sentencer's discretion. It violates the Eighth and Fourteenth Amendments of the United States Constitution for the state to use aggravating factors to determine the death sentence which do not guide discretion due to vagueness and imprecision. See Stringer v. Black, 503 U.S. 222, 112 S.Ct. 1130 (1992).

XV.

The procedure by which the death penalty is imposed in Texas denies the defendant protection from cruel and unusual punishment. A close analysis of the statute reveals that the system for imposition of the death penalty permits arbitrary and unchecked discrimination amounting to a denial of equal protection under the law. Pursuant to the provisions of the Texas statutes, two persons could commit capital offenses under similar circumstances, yet one could receive the death penalty and the other life imprisonment. The special issue submission pursuant to Article 37.071 provides no real standard for the guidance of juries in death penalty cases. Turning to the issues themselves, one can readily see that they are couched in nebulous terms that defy a realistic answer. There is no properly defined policy for assisting jurors with the life and death question. The only guidance which the court gives the jury under Article 37.071, concerning capital punishment, is simply to submit these rather meaningless issues, affirmative answers to which result in a mandatory death sentence. Consequently, the defendant is not adequately protected from jurors acting arbitrarily and with caprice in arriving at the awesome decision between life and death.

XVI.

The Defendant has a right to be free from punishment imposed arbitrarily and capriciously in violation of the Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States and Article I §§13 and 19 of the Texas Constitution. The special issues procedure set out in Article 37.071 allows total discretion to a jury to make unfavorable findings against a defendant, and such findings may be based on any prejudices the jury may have, individually or as a whole.

XVII.

Article 37.071 is so vague and indefinite as to be incapable of interpretation by reasonable men and is therefore facially void as violating the Defendant's rights to due process and due course of law and fundamental fairness guaranteed by the Fifth and Fourteenth Amendments to the Constitution of the United States and Article I §§ 10, 13 and 14 of the Texas Constitution.

XVIII.

The statutes upon which said prosecution is based are violative of the Eighth Amendment to the United States Constitution and Article I §§ 13 and 19 of the Texas Constitution in that the death penalty is not a deterrent to future homicides.

XIX.

Article 37.071 is violative of the Fifth, Eighth and Fourteenth Amendments of the United States Constitution and Article §§ 10, 13 and 19 of the Texas Constitution in that whether there is a "probability" the defendant would commit violent criminal acts in the future is a "vague" and indefinite inquiry because there is always some mathematical probability that any person might commit a violent act in the future and the statute provides no guidelines or other statutory limitations upon the factors to be considered by the jury in making that determination.

XX.

Death by lethal injection is cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments of the United States Constitution and Article I §§ 10, 13, and 19 of the Texas Constitution.

XXI.

Capital punishment is per se violative of the Eighth Amendment protection against cruel and unusual punishment and the Fourteenth Amendment right to due process of law. The death penalty cannot be justified as furthering any of the accepted purposes of punishment.

XXII.

The Texas death penalty scheme does not provide for meaningful appellate review because it does not require a proportionality review, in violation of the Eighth and Fourteenth Amendments to the United States Constitution and Article I §§ 10, 13 and 19 of the Texas Constitution.

XXIII.

Interpreting Article 35.13 of the Texas Code of Criminal Procedure to require peremptory challenges to be made prior to examination of the entire jury panel in capital cases only denies the right to effective assistance of counsel, a fair and impartial jury, due process, due course, and equal protection under the laws as guaranteed by the United States and Texas Constitutions.

XXIV.

The death penalty in Texas is, and for many years has been, administered in a manner that purposefully discriminates against members of minority races in violation of the Eighth and Fourteenth Amendments of the United States Constitution and Article I §§ 10, 13 and 19 of the Texas Constitution.

XXV.

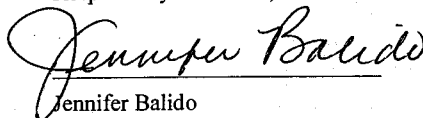
The Texas death penalty scheme does not properly narrow the class of persons eligible for the ultimate punishment in violation of the Eighth and Fourteenth Amendments of the United States Constitution and Article I §§ 10, 13 and 19 of the Texas Constitution.

XXVI.

Under Texas law, a capital jury may not be informed that the defendant would have to serve at least 40 years in prison before becoming eligible for parole on a life sentence. Without such information, a jury will not have an accurate and proper understanding of the parole system in Texas. That is, the jury will be required to predict the defendant's future danger to society without knowing how long he will have to be incarcerated. Such an uninformed prediction promotes arbitrary, capricious and standardless sentencing, in violation of the Eighth and Fourteenth Amendments and Article I, §§ 10, 13, and 19 of the Texas Constitution, and fails to promote the concept of individualized sentencing and heightened reliability required by those constitutional provisions.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the indictment be quashed and the prosecution dismissed.

Respectfully submitted,



Jennifer Balido  
State Bar No. 10474880  
Public Defenders Office  
133 N. Industrial Blvd., LB 2  
Dallas, Texas 75207  
(214) 653-3550

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion to Quash was served on the Dallas County District Attorney's Office by personal delivery on the same date of filing herewith.

Jane Little

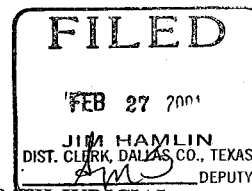
ORDER

On 6-04-01, the Court having considered the above and foregoing motion, finds the same is hereby ~~GRANTED~~ / **DENIED**.

[Signature]  
Judge Presiding

00256

F00- 02424-M and F00-23910



STATE OF TEXAS \* IN THE 194TH JUDICIAL  
VS. \* DISTRICT COURT  
JEDIDIAH ISSAC MURPHY \* DALLAS COUNTY, TEXAS

**MOTION TO DECLARE JURY SELECTION PROCEDURE**  
**UNCONSTITUTIONAL**

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes the Defendant in the above entitled and numbered cause, by and through his attorney of record, and files this Motion to declare the jury selection procedure in capital murder cases unconstitutional for the following reasons.

I.

The procedure for the selection of jurors in a capital murder case violates the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and Article I, Sections 10 and 19 of the Texas Constitution and is therefore unconstitutional.

II.

Article 35.16(b)(1) of the Texas Code of Criminal Procedure provides that the State may challenge for cause a juror who has conscientious scruples in regard to the infliction of the punishment of death for crime, in a capital case, where the State is seeking the death penalty. This criteria is in direct conflict with Witherspoon v. Illinois, 88 S.Ct. 1770 (1968) and Wainwright v. Witt, 105 S.Ct. 844 (1985). In Witt the criteria was established as to whether a juror's view on capital punishment would "prevent or substantially impair the performance of his duties as a juror in accordance with his instructions and his oath."

III.

While the trial judge may well instruct the prospective jurors in the language of Witherspoon and Witt; so long as the language of Article 35.16(b)(1) uses the term

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"conscientious scruples" the prospective jurors will automatically equate Witt's criteria with conscientious scruples; and will claim to be disqualified when in truth and in fact they are not disqualified. Article 35.16(b)(1) violates the Defendant's right of due process and is therefore clearly unconstitutional.

IV.

In addition during the voir dire of the jury panel by the Court, the prospective jurors will be instructed in regards to the punishment procedure in Article . 37.071 of the Texas Code of Criminal Procedure. This article prohibits the prospective jurors from being informed of the effect of a failure of a jury to agree on the issues submitted to them. They are only informed that the jury may not answer the special issue "yes" unless they agree unanimously and may not answer the issue "no" unless 10 or more jurors agree. Such instruction results in a false and misleading inference that the jury must arrive at a verdict and therefore violates due process because of its coercive effect on the jury. Without accurate instruction the jurors will be misled into believing that a "hung jury" at the punishment stage of the trial would result in a re-trial of the entire case which normal jurors would seek to avoid. Such a denial of this aspect of the law violates the Eighth and Fourteenth Amendments to the United States Constitution.

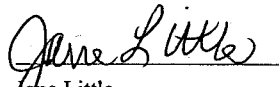
V.

In all criminal prosecutions the accused has a right to a trial by an impartial jury. This Sixth Amendment right has been held to mean a trial by ones peers or ones equals. A "death-qualified" jury is by definition not composed of ones equals but is composed of individuals who are prejudiced against anyone charged with a capital offense. Numerous studies have shown that such juries are prosecution prone and more likely to vote for a conviction than are jurors in non-death qualified panels. Furthermore, death qualification excludes a large portion of certain groups from jury service, i.e.: blacks, Hispanics and females, resulting in stacking the deck against the Defendant. A "death-qualified" jury violates the defendant's right to due process and equal protection of the laws.

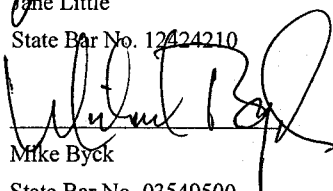


WHEREFORE, PREMISES CONSIDERED, the defendant prays that after notice and hearing this Motion be granted and Articles 36.16(b)(1) and 37.071 of the Texas Code of Criminal Procedure be held unconstitutional.

Respectfully submitted,

  
Jane Little

State Bar No. 12424210

  
Mike Byck

State Bar No. 03549500

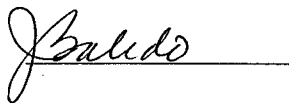


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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Dallas County District Attorney's Office by personal delivery on the same date of filing herewith.

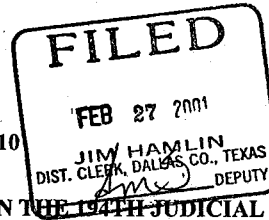


ORDER

On 6-04-01, the Court having considered the above and foregoing motion, finds the same is hereby ~~GRANTED~~ / ~~DENIED~~

  
Judge Presiding

00259



NO. F00-02424-M AND F00-23910

STATE OF TEXAS	§	IN THE 194TH JUDICIAL
	§	
V.	§	DISTRICT COURT OF
	§	
JEDIDIAH ISAAC MURPHY	§	DALLAS COUNTY, TEXAS

**DEFENDANT'S OBJECTION TO PROPOSED PUNISHMENT CHARGE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Defendant in the above-styled and numbered cause, by and through his attorney of record, and makes the following objections to the Court's proposed charge, and further requests certain additional instructions:

**I.**

Defendant requests that, if this Court overrules his motion to exclude evidence of unadjudicated extraneous offenses and "bad acts", this Court should at least submit the following limiting instructions:

During the punishment phase, the state has introduced evidence of one or more unadjudicated extraneous offenses—that is, crimes against the laws of Texas allegedly committed by the defendant for which he has not been convicted in a court of law or other non-criminal "bad acts". In deciding whether the Defendant committed any alleged unadjudicated extraneous offenses or bad acts, the jury must not consider the fact that the defendant committed the capital murder alleged in the indictment. That is, you should not presume that the defendant has a propensity to commit criminal acts generally, merely because you have convicted him of committing the crime of capital murder. The state must prove to you beyond a reasonable doubt that the Defendant committed any unadjudicated extraneous offenses.

Furthermore, if you find that the Defendant committed one or more unadjudicated extraneous offenses, you must not consider that fact in deciding whether he committed other unadjudicated extraneous offenses alleged by the state.

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**The State has introduced evidence that the Defendant has committed unadjudicated criminal offenses and/or bad acts. You shall only consider such evidence in answering the special issue that deals with the issue of “continuing threat” and not for any other purpose.**

**The State has introduced evidence that the Defendant has committed unadjudicated criminal offenses and/or bad acts. You shall only consider such evidence if the State proves to you that the Defendant in fact committed such crimes or bad acts. You shall presume that the Defendant is innocent of such alleged crimes or bad acts unless and until the State proves beyond a reasonable doubt that the Defendant committed such crimes or bad acts.**

Defendant contends that he is entitled to these instructions under the Sixth Amendment, the Eighth Amendment, the due process clause of the Fourteenth Amendment, Article I, §§ 10 and 13 and the due course of law clause of the Texas Constitution, and Article 1.04, 1.05 and 36.29 of the Texas Code of Criminal Procedure.

\_\_\_\_\_ **GRANTED**  
\_\_\_\_\_ **DENIED**

II.

Assuming that this Court denies Defendant’s motion to entirely exclude evidence of unadjudicated extraneous offenses during the sentencing phase, Defendant requests that the Court at least submit special verdict forms that require the jury to specify whether jurors unanimously found each and every alleged unadjudicated extraneous offense to have occurred. Such special verdict forms are required to assure meaningful appellate review of a jury’s affirmative answer to the “future dangerousness” issue. Meaningful appellate review is required by the Eighth and Fourteenth Amendments to the United States Constitution and Article I, §§ 13 of the Texas Constitution.

\_\_\_\_\_ **GRANTED**  
\_\_\_\_\_ **DENIED**

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III.

Defendant requests that this Court submit, along with the "Penry" or mitigation special issue, special verdict forms listing all possible mitigating factors raised by the evidence in this case. Jurors should be instructed to list which factors, if any, that they considered in answering the mitigation special issue. Such special verdict forms are required to assure meaningful appellate review of the jury's answer to the mitigation special issue. Meaningful appellate review is required by the Eighth and Fourteenth Amendments to the United States Constitution and Article I, §§ 13 of the Texas Constitution.

\_\_\_\_\_ GRANTED

\_\_\_\_\_ DENIED

IV.

Defendant requests the following special instruction:

**The law requires that you *must consider* any and all mitigating factors that are established by the evidence. That is, if one or more particular mitigating factors is proven by the evidence, whether that evidence was offered by the state or the defense, you must at least consider that evidence in mitigation of punishment. What weight you assign to any or all mitigating factors is within your judgment by you cannot assign a mitigating factor no weight by excluding it from your consideration entirely.**

Defendant contends that he is entitled to this instruction under the Eighth and Fourteenth Amendments to the United States Constitution and Article I, §§ 13 of the Texas Constitution.

\_\_\_\_\_ GRANTED

\_\_\_\_\_ DENIED

V.

Defendant requests the following special instruction:

**You are instructed that in answering the mitigation special issue, you must not consider the subject matter of the first special issue – namely, whether the Defendant poses a future threat to society—for any purpose.**

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Defendant contends that he is entitled to this instruction both as a matter of statutory construction and under the Eighth and Fourteenth Amendments to the United States Constitution and Article I, §§ 13 of the Texas Constitution.

\_\_\_\_\_ GRANTED  
\_\_\_\_\_ DENIED

VI.

Defendant requests the following instruction:

**In considering the special issues and deciding whether there is a sufficient mitigating factor or factors to warrant a life sentence, the prosecution has the burden to prove the existence of any and all aggravating factors. It is not the burden of the Defendant in the first instance to disprove the existence of any aggravating factors.**

Defendant contends that he is entitled to this instruction under the Eighth and Fourteenth Amendments. See, e.g., Walton v. Arizona, 110 S.Ct. 3047 (1990) and Article I, §§ 13 of the Texas Constitution.

\_\_\_\_\_ GRANTED  
\_\_\_\_\_ DENIED

VII.

Defendant requests the following definition:

**The term "mitigating" evidence or "mitigating factors" as used herein means any type of evidence relating to the Defendant's background, character, or the circumstances of the crime that would militate in favor of a life sentence rather than a death sentence. Evidence may be mitigating even if it does not relate in any way to the Defendant's moral culpability or moral blameworthiness for the capital murder listed in the indictment.**

Defendant contends that he is entitled to the definition under the Eighth and Fourteenth Amendments to the United States Constitution and Article I, §§ 13 of the Texas Constitution.

\_\_\_\_\_ GRANTED  
\_\_\_\_\_ DENIED

VIII.

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Defendant requests the following instruction:

**You are instructed that if the jury is unable to agree on either a Yes or No answer, as previously explained in this charge, that the failure to answer a Special Issue will cause the Defendant to receive a life sentence.**

Defendant contends that he is entitled to this instruction under the Sixth Amendment, the Eighth Amendment, and the due process clause of the Fourteenth Amendment, Article I, §§ 10 and 13 and the due course of law clause of the Texas Constitution, and Article 1.04, 1.05 and 36.29 of the Texas Code of Criminal Procedure.

\_\_\_\_\_ GRANTED  
\_\_\_\_\_ DENIED

IX.

Defendant requests the following instruction:

**You are instructed that certain evidence introduced to you has been offered in mitigation of the Defendant's punishment. That evidence, including youth and mental health testimony, may only be considered by you as mitigation of his punishment.**

Defendant contends that he is entitled to this instruction under the Sixth Amendment, the Eighth Amendment, and the due process clause of the Fourteenth Amendment, Article I, §§ 10 and 13 and the due course of law clause of the Texas Constitution, and Article 1.04, 1.05 and 36.29 of the Texas Code of Criminal Procedure.

\_\_\_\_\_ GRANTED  
\_\_\_\_\_ DENIED

X.

Defendant requests the following instruction:

**If you decide that an aspect of the Defendant's character and record or circumstances of the crime is a mitigating circumstance, you must not give it aggravating effect. Thus, if in your judgment, a mitigating circumstance independently calls for a life sentence even though it also tends to support a "yes" answer to a Special Issue, you must not answer the Special Issue "yes", but rather you should answer it "no".**

Defendant contends that he is entitled to this instruction under the Sixth Amendment, the Eighth Amendment, and the due process clause of the Fourteenth Amendment, Article I, § 10 of the Texas Constitution, and Article 1.04, 1.05 and 36.29 of the Texas Code of Criminal Procedure.

\_\_\_\_\_ **GRANTED**  
\_\_\_\_\_ **DENIED**

XI.

Defendant requests the following instruction:

**You are instructed that you are not to consider the impact of this offense on the victim in the case in chief in answering the Special Issue concerning whether the Defendant will be a continuing threat to society.**

Defendant contends that he is entitled to this instruction under the Sixth Amendment, the Eighth Amendment, and the due process clause of the Fourteenth Amendment, Article I, §§ 10 and 13 and the due course of law clause of the Texas Constitution, and Article 1.04, 1.05 and 36.29 of the Texas Code of Criminal Procedure.

\_\_\_\_\_ **GRANTED**  
\_\_\_\_\_ **DENIED**

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XII.

Defendant requests the following instruction:

**You are instructed that you are not to consider the impact of this offense on the victim of any alleged extraneous offenses. Such evidence is not cognizable under any of the Special Issues.**

Defendant contends that he is entitled to this instruction under the Sixth Amendment, the Eighth Amendment, and the due process clause of the Fourteenth Amendment, Article I, §§ 10 and 13 and the due course of law clause of the Texas Constitution, and Article 1.04, 1.05 and 36.29 of the Texas Code of Criminal Procedure.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**



XIII.

Defendant requests the following instruction:

**You are instructed that mitigating circumstances are not intended as a justification or excuse for a killing or to reduce it to a lesser degree of crime. Instead, a mitigating circumstance is a fact or group of facts which has one of two purposes: (1) a mitigating circumstance may extenuate or reduce the moral culpability of this Defendant for this crime, or (2) a mitigating circumstance may make the Defendant less deserving of the extreme punishment of death.**

**Our law requires consideration of more than just the bare facts of the crime. A mitigating circumstance may stem from any of the diverse frailties of humankind.**

**It would be your duty to consider as a mitigating circumstance any aspect of the Defendant's background, character, age, education, environment, behavior and habits which makes him less deserving of the extreme punishment of death.**

**You may consider as a mitigating circumstance any circumstance which tends to justify the penalty of life imprisonment or that the Defendant contends as a basis for a sentence less than death.**

Defendant contends that he is entitled to this instruction under the Sixth Amendment, the Eighth Amendment, and the due process clause of the Fourteenth Amendment, Article I, §§ 10 and 13 and the due course of law clause of the Texas Constitution, and Article 1.04, 1.05 and 36.29 of the Texas Code of Criminal Procedure.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

XIV.

Defendant requests the following instruction:

**The mitigating circumstances are factors that you should take into account as reasons for deciding to impose a sentence of life imprisonment. You should pay careful attention to each of those factors. Any one of them, standing alone, may be sufficient to support a decision that life imprisonment is the appropriate punishment for Defendant. However, you should not limit your consideration of mitigating circumstances mentioned. You may also consider any other circumstances relating to the case or to Defendant as reasons for imposing a sentence of life imprisonment.**

Defendant contends that he is entitled to this instruction under the Sixth Amendment, the Eighth Amendment, and the due process clause of the Fourteenth Amendment, Article I, §§ 10 and 13 and the due course of law clause of the Texas Constitution, and Article 1.04, 1.05 and 36.29 of the Texas Code of Criminal Procedure.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

XV.

Defendant requests the following instruction:

**If you see fit, and regardless of your findings on the other issues, you are always free to afford Defendant mercy in these proceedings and sentence him to life imprisonment. This decision is solely in your discretion and not controlled by any rule of law. Each juror may decide to grant mercy to Defendant with or without an articulable reason. You may, in particular, decide to grant mercy to the Defendant because of any feelings of sympathy for the Defendant arising from the evidence in the case.**

Defendant contends that he is entitled to this instruction under the Sixth Amendment, the Eighth Amendment, and the due process clause of the Fourteenth Amendment, Article I, §§ 10 and 13 and the due course of law clause of the Texas Constitution, and Article 1.04, 1.05 and 36.29 of the Texas Code of Criminal Procedure.

\_\_\_\_\_ GRANTED

\_\_\_\_\_ DENIED

XVI.

Defendant requests the following instruction:

**The prosecution must prove beyond a reasonable doubt that there is a probability that the Defendant will commit criminal acts of violence on a continuing basis. This probability exists only if it is substantially more likely than not that he will continually commit crimes of violence. To determine whether a probability exists beyond a reasonable doubt, you must decide whether you have a reasonable doubt about any of the facts which you believe must be true to conclude that it is substantially more likely than not that the Defendant will continually commit violent crimes. If you have a reasonable doubt about the truth of any of these facts, you must answer this Special Issue "no" even if the controlling facts are probably true.**

Criminal acts of violence are illegal acts which result in physical injury or the threat of physical injury to living persons. Crimes against property or nonviolent crimes are not criminal acts of violence even if they pose a threat to society.

To answer this Special Issue "yes", you must find that the Defendant's violent conduct will probably continually threaten society as long as he lives. Thus, if you do not believe that it is substantially more likely than not that the Defendant will continue to commit violent crimes, you must answer this Special Issue "no", even if you believe that there is some probability that he will commit one or more criminal acts of violence in the future.

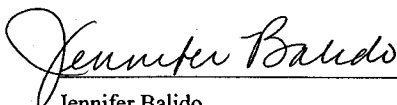
When you decide whether the Defendant will continually commit violent crimes, you must consider the fact that if given a life sentence he will be sentenced to life in prison and will therefore not live among society in the free world. Thus, if you believe that the Defendant will not continually commit violent crimes in prison, you must answer this Special Issue "no" even if you believe there is a likelihood he would do so if he was a free man.

Defendant contends that he is entitled to this instruction under the Sixth Amendment, the Eighth Amendment, and the due process clause of the Fourteenth Amendment, Article I, §§ 10 and 13 and the due course of law clause of the Texas Constitution, and Article 1.04, 1.05 and 36.29 of the Texas Code of Criminal Procedure.

\_\_\_\_\_ GRANTED  
\_\_\_\_\_ DENIED

WHEREFORE, PREMISES CONSIDERED, Defendant prays that this Motion be granted.

Respectfully submitted,



Jennifer Balido  
State Bar No. 10474880  
Public Defenders Office  
133 N. Industrial Blvd., LB 2  
Dallas, TX 75207

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214-653-3550

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify to the Court that a true and correct copy of the above and foregoing motion was personally delivered to the Dallas County District Attorney's Office on the same date of filing herewith.

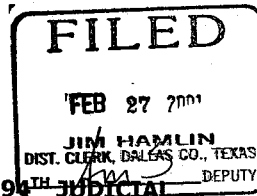
  
\_\_\_\_\_

ORDER

On the \_\_\_\_\_, the Court having considered the above and foregoing Motion finds the same is hereby GRANTED or DENIED as indicated above.

\_\_\_\_\_  
Judge Presiding

CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



THE STATE OF TEXAS

VS.

JEDIDIAH ISAAC MURPHY

§  
§  
§  
§  
§

IN THE 19<sup>TH</sup> JUDICIAL  
DISTRICT COURT OF  
DALLAS COUNTY, TEXAS

.....  
**OMNIBUS PRETRIAL MOTION**  
.....

**TO THE HONORABLE JUDGE OF SAID COURT:**

**COMES NOW** Jedidiah Isaac Murphy, the defendant in the above-styled and numbered causes, pursuant to Art. 39.14, Texas Code of Criminal Procedure, and files this his Omnibus Pretrial Motion, requesting and pleading the following:

**I.**

**EXCULPATORY OR MITIGATORY EVIDENCE**

The defendant requests the disclosure of any and all exculpatory and/or mitigatory evidence or evidence favorable to the defendant in any way which the prosecution or any law enforcement agency may have in its possession or within its knowledge or which it has a duty to inquire concerning this defendant or this case. Kyles v. Whitley 115 S. Ct. 1555 (1995), Brady v. Maryland, 373 U.S 83 (1963), Ex Parte Adams, 768 S.W. 2d 281 (Tex. Cr. App. 1989), and O'Rarden v. State 777 S.W. 2d 455.

"We extend Brady to include the required revelation to an accused, even absent request of exculpatory or mitigatory evidence in the possession of prosecutor, police agencies, and other parts of the prosecutorial team." U. S. Supreme Court, Kyles v. Whitley, supra.

☒ GRANTED

☐ DENIED

**II.**

**IDENTIFICATION HEARING**

The Defendant requests an identification hearing outside the presence of the jury.

☐ GRANTED

☐ DENIED

☐ WAIVED

**III.**

**CONFESSION/STATEMENTS HEARING**

The defendant requests a sub rosa hearing prior to the introduction of any statements allegedly made by the defendant, either orally or in writing, to determine the voluntariness and admissibility of them, and requests disclosure of these statements prior to trial. Jackson v. Denno, 378 U.S. 368 (1964).

☐ GRANTED

☐ DENIED

**IV.**

**DISCLOSURE OF PHYSICAL EVIDENCE AND TEST RESULTS**

The Defendant request the production and disclosure of all physical evidence or tangible items, objects, and matters not the work product of the State which are or may be relevant to the guilt or innocence or punishment of the accused, and which evidence will or may be offered by the State in the trial of this cause. Further, the defendant requests the State to produce, prior to trial, any laboratory reports or expert opinions

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pertaining to any tests conducted at the request of the State or any law enforcement agency or any physical or tangible evidence.

☒ GRANTED ☐ DENIED

V.

**LIST OF WITNESSES**

The defendant requests a list of witnesses who will or may be called by the State at the guilt/innocence phase of the trial or the punishment phase. Hoagland v. State, 494 S.W.2d 186 (Tex. Cr. App. 1973).

☒ GRANTED ☐ DENIED

VI.

**IMPEACHMENT EVIDENCE/EXTRANEIOUS OFFENSES**

Pursuant to Rule 404 (b), Texas Rules of Criminal Evidence, the defendant:

- a) requests notice of the State's intent to use extraneous offenses at trial, and
- b) requests a hearing out of the presence of the jury before any evidence of:
  - 1) extraneous transactions, or
  - 2) evidence of other crimes, wrongs, or acts allegedly committed by the defendant,
  - 3) or reputation testimony,
  - 4) or impeachment by conviction of prior offenses, if offered by the State, in order to determine admissibility of this evidence.

c) Further, pursuant to Article 37.07 Tx. Code of Criminal Procedure, the defendant requests a hearing outside the presence of the jury to determine the relevance of any:

- 1) prior criminal record,
- 2) reputation or character evidence, or

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2/



- 3) extraneous crime or bad act allegedly committed by him, which the State would seek to introduce before the jury in the punishment phase of the trial.

d) and the defendant requests specific notice of any such matter prior to trial.

The defendant specifically objects to the introduction of extraneous non-charged offense evidence before the jury in any form, or at any stage of the proceeding.

☒ GRANTED      ☐ DENIED

**VII.**

**JURY SHUFFLE**

The Defendant requests that a shuffle be made of the jury panel.

☐ GRANTED      ☐ DENIED      ☒ WAIVED

**VIII.**

**ARRAIGNMENT**

The defendant requests arraignment out of the presence of the jury.

☒ GRANTED      ☐ DENIED

**IX.**

**COMPLETE RECORD OF TRIAL**

The defendant requests that a complete record be made of the trial, including voir dire, all testimony, bench conferences, and argument of counsel.

☒ GRANTED      ☐ DENIED

**X.**

**WRITTEN STATEMENTS/REPORTS MADE OR READ BY WITNESSES**

The defendant requests that the State make available to counsel any and all written statements made or adopted by a witness who testifies, and/or any statements used by a witness to refresh his memory as to the events involved in the trial, at such time as the State passes the witness for cross-examination.

☒ GRANTED      ☐ DENIED

**XI.**

**GRAND JURY TESTIMONY**

The defendant requests that counsel for the defendant be permitted to examine the testimony of each witness who testified before the Grand Jury at such time as they are passed for cross-examination, and to be advised, prior to trial, of the names of any persons who testified in regard to this case at the Grand Jury hearing. Dennis v. U.S., 384 U.S. 855 (1966).

☒ GRANTED      ☐ DENIED      ☐ INAPPLICABLE

**XII.**

**PROOF OF LEGALITY OF SEIZURE OF PHYSICAL EVIDENCE**

The defendant requests a hearing outside the presence of the jury to determine the admissibility of any physical evidence recovered during the investigation of this case and which the District Attorney intends to offer as evidence herein, and would request that the Court suppress this evidence if the Court determines that the evidence was obtained in

violation of the United States Constitution of Federal Law or the Constitution or laws of the State of Texas. Art. 38.23, Code of Criminal Procedure.

☐ GRANTED ☐ DENIED

**XIII**

**IMPEACHMENT EVIDENCE OF STATE'S WITNESSES**

The defendant requests that the Court order the State to produce, prior to trial:

- a) all criminal records of witnesses that they intend to call to the stand in the trial of this case, and further,
- b) to determine and disclose any pending criminal charges that prospective witnesses may have.

Further, the defendant requests that the State disclose to the defendant

- c) whether it has made, promised, or implied any promises, benefit, or concessions to any prospective witness in order to induce or influence his testimony, and
- d) to determine and disclose whether any such benefits or inducements have been made to any witness by any law enforcement agency or by any other individual,
- e) or whether any individual has coerced, forced, or threatened the witness in any way in order to procure the witnesses testimony.

☒ GRANTED ☐ DENIED

- f) any other witness, bias or prejudice known to or discoverable by the State.

☒ GRANTED ☐ DENIED

**XIV.**

**CERTIFIED DOCUMENTS**

The defendant requests notice of the State's intent to offer certified documents in evidence in the trial of this case, and requests disclosure of them prior to trial.

☒ GRANTED ☐ DENIED  
**XV.**

**ELECTION OF PUNISHMENT**

In the event of conviction, the defendants elects to have Jury assess punishment.

☒ GRANTED ☐ DENIED

**XVI.**

**REQUEST FOR REASONABLE EXPENDITURES**

The defendant requests that the Court allow reasonable and necessary expenses for the use of an investigator and/or expert witness in the preparation for trial in this cause.

☒ GRANTED ☐ DENIED ☐ INAPPLICABLE

**XVII.**

**REQUEST FOR DEFENDANT TO BE FREE OF IMPEACHMENT**

The defendant moves the Court, pursuant to Rule 609 (a), to allow him to testify at the guilt/innocence phase of the trial free from impeachment by any or all of his prior convictions that the State has given notice of intent to use for such purpose, and request

sub rosa hearing in regard to this matter, Theus v. State, 845 S.W. 2d 874 (Tx. Cr. App. 1992).

☐ GRANTED

☒ DENIED

☐ INAPPLICABLE

**XVIII.**

**BATSON HEARING**

The defendant requests that the Court strictly enforce Art. 35.261, Tx. Code of Criminal Procedure and moves that any information that is learned by the State about a prospective juror in this case from any source outside of the courtroom that the State intends to use in exercising their peremptory challenges, i.e., information about a juror other than that disclosed by a juror in questioning during voir dire or in their juror information cards, except that information which is work product of the State, e.g., a prospective juror's prior criminal record, be shared with the defense before such time that the lists are struck, so that inquiry might be made of the juror as to the accuracy and relevance of the information.

This request is made to protect the defendant's and the juror's right guaranteed under Batson v. Kentucky and its progeny, J.E.B. v. Alabama and its progeny, and under Art. 35/261, Tx. Code of Criminal Procedure.

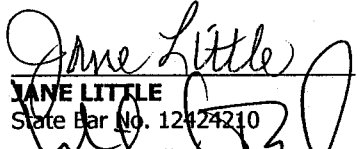
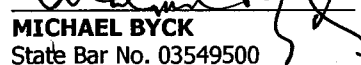
☒ GRANTED

☐ DENIED

**WHEREFORE, PREMISES CONSIDERED**, the defendant prays that a hearing be held on the Motion and that the Court order the State to produce the requested items as designated above and permit the defendant to inspect, copy, photograph and conduct any necessary analytical tests on such items. The items are not privileged and are within the proper scope of discovery by the defendant.

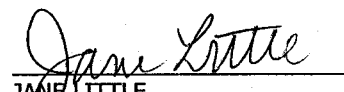
The defendant prays that this Motion be in all thing granted by the Court.

Respectfully submitted,

  
**JANE LITTLE**  
State Bar No. 12424210  
  
**MICHAEL BYCK**  
State Bar No. 03549500  
Assistant Public Defenders  
Public Defender's Office  
133 N. Industrial Boulevard  
Suite C-1. LB 2  
Dallas, Texas 75207  
(214) 653-3550  
ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of this Omnibus Pretrial Motion has been personally served upon the Assistant District Attorney of Dallas County, Texas appointed to the prosecution of this case, on the \_\_\_\_\_ day of \_\_\_\_\_, 2001.

  
**JANE LITTLE**

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**ORDER**

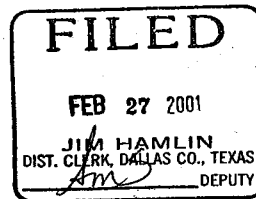
On this the \_\_\_\_\_ day of \_\_\_\_\_, 2001, came on to be heard the foregoing Defendant' Omnibus Pretrial Motion and the Court, after due deliberation, finds as marked in the body of the Motion and orders disclosures to the Defense as requested.

\_\_\_\_\_  
JUDGE PRESIDING

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CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



THE STATE OF TEXAS                    §            IN THE 194<sup>TH</sup> JUDICIAL  
VS.    §            DISTRICT COURT OF  
JEDIDIAH ISAAC MURPHY                §            DALLAS COUNTY, TEXAS

**MOTION FOR DISCOVERY, PRODUCTION AND INSPECTION OF EVIDENCE**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**COMES NOW**, the Defendant in the above-styled and numbered cause, by and through his attorneys of record, and files this Motion for Discovery, Production, and Inspection of Evidence and in support thereof would show the Court as follows:

**I.**

The Defendant moves the Court to order the District Attorney to produce and permit the inspection of and the copying and/or photographing of, by or on behalf of the Defendant, the following designated items:

**A. STATEMENT OF DEFENDANT**

1. All confessions, admissions and statements, in writing, signed by the Defendant, in connection with this offense with which the Defendant is hereby indicted.

\_\_\_\_\_ **GRANTED**  
\_\_\_\_\_ **DENIED**

00282

/s/



2. All confessions, admissions and statements, oral in nature and set down and preserved under Article 38.22 of the Texas Code of Criminal Procedure, made by the Defendant in connection with the offense with which the Defendant is hereby indicted.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

3. All oral, written or recorded statements of the Defendant, and memoranda of said statements made to any investigating officer or any member of any law enforcement agency, or to any third party, which is in the possession of or within the knowledge of the District Attorney's Office or any agent thereof, including any law enforcement agency.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

4. All oral and written statements made by the Defendant before the Grand Jury and transcribed by a reporter, in connection with the offense with which the Defendant is herein indicted.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

5. All handwritten and typed notes made by all law enforcement officers prior to, and during and after the Defendant was interrogated which concern any confessions, admissions or statements made by the Defendant to law enforcement officers concerning these cases.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

6. Any written or electronically recorded waiver alleged by the State to have been signed by the Defendant concerning the Defendant's right to counsel prior to the making of any written or oral statements.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

**B. WITNESSES AND THEIR STATEMENTS**

7. The names, addresses, and telephone numbers of all witnesses that the State in good faith expects to call in its case in chief and in rebuttal, during both the guilt/innocence stage and the punishment stage of the Defendant's trial.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

8. The names, addresses and telephone numbers of all persons interview by any employee, agent, or official of the State of Texas or subdivision thereof, or the United States government, concerning this case who in reasonable likelihood may not be used as a witness at the trial of this case, but who may have knowledge of facts material to the guilt or innocence of the Defendant or his reputation or criminal record, if any.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

9. The names of all subjects who were interrogated and/or arrested in conjunction with these offenses, including their respective names, addresses, telephone numbers,

occupations, physical descriptions and photographs.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

10. Any statements, whether written or oral, by the Defendant or any Co-defendant or Co-conspirator, either indicted or unindicted, which the State of Texas intends to introduce to show the existence of a conspiracy or evidence of acting in concert, the date of such statements or evidence, the time of such statements or evidence, and the place where such statements or evidence took place.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

11. All confessions, admissions or statements given by co-defendants, parties, accomplices or co-conspirators which the state intends to offer into evidence in Defendant's trial.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

12. All statements made by any party or witness to this alleged offense, in the possessions of or within the knowledge of the District Attorney or any of his agents, including any law enforcement agency, whether such statements were written or oral, which might in any manner be material to either the guilt or innocence of the Defendant or to the punishment, if any, to be set in this case.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

13. All writings used to refresh the recollection of witnesses, as provide in Rule 611 of the Texas Code of Criminal Evidence.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

14. The names and addresses of all persons who testified at the Grand Jury proceedings which culminated in Defendant's indictment in these cases.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

15. A written transcription of the testimony of all the witnesses who appeared and testified before the Grand Jury regarding the facts of these cases; or in the alternative, that the Court order the prosecutor to immediately order said transcription of all of said testimony in order that it will be available and in the possession of the prosecutor at time of trial. In further support of this request, the Defendant submits the following particularized needs:

- a. To cross examine and impeach said witnesses;
- b. To discover prior inconsistent statements;
- c. To test the credibility of said witness;
- d. To test the recollection of said witness.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

**C. OBJECTS OR TANGIBLE THINGS**

16. All objects and tangible property now in the possession of the State or its agents and alleged by the State to have been taken or used by the Defendant or any Co-conspirator during the course of the commission of the offense with which the Defendant is herein indicted.

          X           **GRANTED**  
                           **DENIED**

17. All weapons alleged by the State to have been used by the Defendant, co-defendants, co-conspirators, parties, accomplices, complainants or witnesses in these cases, including ammunition, shells, cartridges, bullets, slugs, wadding, projectiles, missiles, and fragments recovered from the scene or any person.

          X           **GRANTED**  
                           **DENIED**

18. All articles of clothing, including shirts, pants, undergarments and shoes allegedly belonging to the Defendant or to the victim which the State intends to introduce as evidence in the trial.

          X           **GRANTED**  
                           **DENIED**

19. All contraband drugs, controlled substances and paraphernalia which were seized as a result of the investigation of these cases in order to permit the Defendant to have an opportunity to examine the same and to obtain an expert to examine, test,

weigh, and inspect said evidence.

                     **GRANTED**

**DENIED**

20. All video tapes, documents, papers, books, accounts, letters, objects and tangible things which are the property of the Defendant and which are in the possession, custody and control of the State.

\_\_\_\_\_ **GRANTED**

**DENIED**

21. All physical evidence in possession or control of the state which the state intends to offer at trial in these cases.

                     **GRANTED**

**DENIED**

22. A complete inventory of all items taken from the crime scene(s) or items that have been linked to the crime scene(s) or to the deceased or to either the Defendant or any co-defendant, or any person acting with the Defendant or any co-defendant in these cases. Defendant would further request that the court order the state in its inventory to provide an itemization of the person from which the item was seized, the date it was seized, and the place that it was seized from, as well as any indication that latent fingerprints were lifted or attempted to be lifted from the item, and the person identified as having made those fingerprints, if any.

 **GRANTED**

**DENIED**

23. All search and arrest warrants and affidavits in support thereof together with any consent to search used or exhibited at the time of the arrest of the Defendant or in the investigation of the offense for which Defendant has been indicted.

      X       GRANTED  
           DENIED

24. All recorded incoming telephone calls to "911" or the sheriff's office or the police station requesting assistance at the time this incident was reported.

      X       GRANTED  
           DENIED

25. All recorded communications between the dispatcher and law enforcement agents who were called to the scene in these cases.

      X       GRANTED  
           DENIED

26. All photographs, drawing and charts made by the State or any agent thereof, including any law enforcement agency, which were made with reference to this case, including but not limited to all photographs, drawings and charts of the scene of the crime and the scene of the Defendant's arrest.

      X       GRANTED  
           DENIED

27. All photographic negative prints whether or not heretofore developed by the agent of the District Attorney or any law enforcement agency, which were made in the

investigation of these cases.

~~\_\_\_\_\_~~ GRANTED  
\_\_\_\_\_ DENIED

28. All photographs of suspects which were shown to all witnesses to the alleged offense, concerning the identity of the perpetrator of the offense for which the Defendant has been indicted.

~~\_\_\_\_\_~~ GRANTED  
\_\_\_\_\_ DENIED

29. All photographs of the Defendant which were used in conjunction with the investigation of these cases, including any photographs which may have been shown by an law enforcement officer to any potential witness in these cases.

~~\_\_\_\_\_~~ GRANTED  
\_\_\_\_\_ DENIED

30. All fingerprints, palm prints, footprints, tool marks, and tire tracks, and reports conducted with respect to said prints and tracks, of all persons and vehicles which were obtained from the scene of the alleged offense for which the Defendant is herein indicted.

~~\_\_\_\_\_~~ GRANTED  
\_\_\_\_\_ DENIED

31. All reports of scientific tests, experiments and comparison, and all other reports of experts and the name, address, and telephone number of each person who made such report or performed such test, experiment or comparison, including but not limited to reports pertaining to weapons, bullets, shots, waddings, cartridge cases, tool marks, blood, bodily fluids, breath, urine, hair, threads, drugs and controlled substances, fingerprints, and



medical or psychological examinations.

          X           **GRANTED**  
                     **DENIED**

32. A list of names, addresses and professions of all expert witnesses the prosecution intends to call at trial, along with each expert's qualifications, the subject and a description of his or her contemplated testimony, and his or her report.

          X           **GRANTED**  
                     **DENIED**

33. All autopsy reports based on an examination of the decedent.

          X           **GRANTED**  
                     **DENIED**

34. All medical reports which show or tend to show the physical condition of the victim at or about the time of the commission of the alleged offense.

          X           **GRANTED**  
                     **DENIED**

**F-LINE-UPS**

35. All photographs made of all line-ups conducted in these cases, including the line-up wherein the Defendant was one of the participants.

                     **GRANTED**  
                     **DENIED**

36. The names and addresses of any person who was shown line-ups or photographs or show-ups of any suspects, including the Defendant, whether or not

Defendant was identified.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

37. The police form used by law enforcement authorities to identify all participants in the line-up wherein the Defendant was a participant, which includes information as to each participant in the line-up and as to each witness who was present at said line-up.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

38. A copy of the witness' line-up identification form given to each witness who attended the line-up wherein the Defendant was a participant in these cases.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

**G. PRIOR CRIMINAL RECORDS AND OTHER WITNESS INFORMATION**

39. The prior criminal record of the following persons:

- a. The Defendant,
- b. Each Co-conspirator,
- c. The Decedent,
- d. Each informant
- e. All State's Witnesses;

including all arrests and convictions, whether as a juvenile or as a adult, including but not limited to:

- a. All felony convictions and all misdemeanor convictions involving moral turpitude;

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b. All felony convictions and all misdemeanor convictions involving moral turpitude which have resulted in a suspended sentence;

c. All felony and misdemeanor cases which have resulted in the person being placed on probation, wherein the period of probation has not expired;

d. All pending felony and misdemeanor offenses;

Furthermore, the State should be ordered to request the proper law enforcement authorities to obtain full and complete criminal record of such witnesses and reveal same to the Defendant and the State should not be permitted to respond to this motion by advising the Court that the prosecutor does not have any indication in his file of any prior criminal record of such witnesses.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

40. Any deals, arrangements, agreements, threats, payments, or promises made for any witness for the State in these cases which could conceivably influence the testimony of such witness.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

41. Any evidence as to the competency of any prospective witness, including a history of mental illness or psychiatric care which the State may be aware of.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

**H. EXCULPATORY EVIDENCE**

42. Any evidence in any form which is in any way exculpatory or favorable to the Defendant.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

**I. THE LOCATION OF RECOVERY**

43. The prosecutor should be required to identify the location of the recovery, the time of recovery, and the name of the person who recovered each item provided to the Defendant pursuant to this Motion for Discovery. Such information is necessary to determine whether or not such evidence is objectionable at the time of trial on the grounds that the evidence has not been properly identified or that the chain of custody has not been properly proved or that the evidence was taken in violation of the Defendant's rights under the laws and Constitution of the State of Texas and the Constitution of the United States.

~~\_\_\_\_\_ **GRANTED**~~  
\_\_\_\_\_ **DENIED**

**II.**

In further support hereof, the Defendant would show this Court that the production of all of the above evidence is the only fair and proper method of showing the good faith of the District Attorney in these cases, the truth of all such matters which the District Attorney intends to introduce in evidence against the Defendant, and to insure the Defendant has adequate time to inspect, examine, and test all of such evidence for its respective validity, authenticity and identity.

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**III.**


In support of this motion, the Defendant would show the Court as follows:

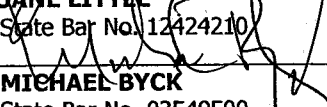
1. The items requested are in the exclusive possession, knowledge, custody or control of the State of Texas by and through its agents, and the Defendant has no other means of ascertaining the disclosures requested.
2. The items requested are not privileged.
3. The items and information are material to these causes and the issues of guilt or innocence and punishment to be determined in these causes.
4. The Defendant cannot safely go to trial without such information and inspection, nor can the Defendant adequately prepare the defense to the charges against him.
5. That absent such discovery the Defendant's right under Article 39.14 of the Texas Code of Criminal Procedure, Article 1, Sections 10 and 19 of the Constitution of the State of Texas.
6. That absent such discovery the Defendant's right under the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States of America will be violated to his irreparable injury and thus deprive the Defendant of a fair trial herein.

**WHEREFORE, PREMISES CONSIDERED,** Defendant respectfully prays that this Honorable Court will grant this the Defendant's Motion for Discovery, Production and Inspection of Evidence in all things, or in the alternative, that this Court will set this matter down for a hearing prior to trial on the merits and that at such hearing this motion will be

in all things granted.

Respectfully submitted,

  
**JANE LITTLE**  
State Bar No. 12424210

  
**MICHAEL BYCK**  
State Bar No. 03549500  
Assistant Public Defenders  
Public Defender's Office  
133 North Industrial Boulevard  
Suite C-1., LB 2  
Dallas, Texas 75207  
(214) 653-3550

**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Assistant District Attorney of Dallas County by personal delivery on the same date of filing herewith.

  
Jane Little

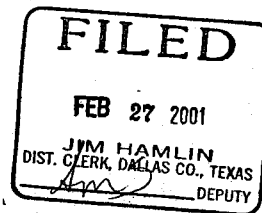
**ORDER**

**ON THIS DATE** came on to be heard the foregoing Defendant's Motion, and the Court, after due deliberation, hold that the motion is [GRANTED] [DENIED, to which action of the Court the defendant respectfully excepts].

\_\_\_\_\_  
Judge Presiding

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CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



STATE OF TEXAS                   §           IN THE 194<sup>TH</sup> JUDICIAL  
   §  
VS.                                   §           DISTRICT COURT OF  
   §  
JEDIDIAH ISAAC MURPHY       §           DALLAS COUNTY, TEXAS

**SECOND MOTION FOR DISCOVERY AND INSPECTION OF EVIDENCE**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, the Defendant, JEDIDIAH ISAAC MURPHY, by and through his attorneys of record, and files this, his Second Motion for Discovery and Inspection of Evidence, and in support thereof would respectfully show the Court as follows:

I.

The Defendant moves the Court to order the District Attorney to produce and permit the inspection of and the copying and/or photographing of, by or on behalf of the Defendant, the following designated items:

**A. WITNESS IDENTITY**

1. **PROSPECTIVE WITNESSES:** A list of names, addresses, and telephone numbers of all prospective prosecution witnesses who have knowledge of the facts of the present cause, and who in reasonable likelihood will be used at any stage of the trial as witnesses in any capacity for the prosecution.

**GRANTED** \_\_\_\_\_ **DENIED** \_\_\_\_\_

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2. PERSONS INTERVIEWED: A list of names, addresses, and telephone numbers of all persons interviewed by any employee, agent or official of the State of Texas or subdivision thereof or the United States government, concerning this case who in reasonable likelihood may not be used as a witness at the trial of this case, but who may have knowledge of facts material to the guilt or innocence of the Defendant or his reputation or criminal record if any.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

3. INFORMANT'S IDENTITY: A list of the names, addresses and phone numbers of the informant or informants who were present at, or who participated in, the commission of the offense, such informant(s) being material on the issue of guilt/innocence.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

4. SUSPECTS IDENTITY: A list of all suspects or person who were arrested and/or interrogated in conjunction with this offense, including names, addresses, telephone numbers, occupations, physical descriptions and photographs.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

**B. CRIMINAL RECORDS**

5. CRIMINAL RECORD OF INFORMANTS, WITNESSES, PERSONS INTERVIEWED & SUSPECTS: The prior criminal record of all informants, witnesses, persons interviewed, suspects and other persons who have aided in the investigation and prosecution of this case against the Defendant, including all arrests and/or convictions, whether as a juvenile or as an adult, including, but not limited to:

- (a) At least all final convictions for all felonies and all misdemeanors involving moral turpitude which have occurred in the last ten years measured from the date of conviction or the date of release from

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incarceration, whichever is latest; and

- (b) All felony convictions and misdemeanor convictions involving moral turpitude which have resulted in a suspended sentence or conditional discharge or deferred adjudication which has not been set aside; and

- (c) All felony convictions and misdemeanor convictions involving moral turpitude which have resulted in the person being placed on probation, wherein the period of probation has not expired; and

- (d) All pending felony and misdemeanor offenses.

**GRANTED** \_\_\_\_\_ **DENIED** \_\_\_\_\_

6. **CRIMINAL RECORD OF ANY COMPLAINANT:** The prior criminal record of the Complainant, including all arrests and convictions, whether as a juvenile or as an adult, including but not limited to:

- (a) At least all final convictions for all felonies and all misdemeanors involving moral turpitude which have occurred in the last ten years measured from the date of conviction or the date of release from incarceration, whichever is latest; and
- (b) All felony convictions and misdemeanor convictions involving moral turpitude which have resulted in a suspended sentence which has not been set aside; and

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- (c) All felony convictions and misdemeanor convictions involving moral turpitude which have resulted in the person being placed on probation, wherein the period of probation has not expired.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

7. CRIMINAL RECORD OF DEFENDANT: The prior criminal record of the Defendant, including all arrests and convictions, whether as a juvenile or as an adult, including but not limited to:

- (a) At least all final convictions for all felonies and all misdemeanors involving moral turpitude which have occurred in the last ten years measured from the date of conviction or the date of release from incarceration, whichever is latest; and
- (b) All felony convictions and misdemeanor convictions involving moral turpitude which have resulted in a suspended sentence which has not been set aside;
- (c) All felony convictions and misdemeanor convictions involving moral turpitude which have resulted in the person being placed on probation, wherein the period of probation has not expired; and
- (d) All pending felony and misdemeanor offenses.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

8. PRIOR MISCONDUCT OF DEFENDANT OR DEFENSE WITNESS: A specification of any prior misconduct which the District Attorney intends to use to impeach the Defendant herein and/or defense witnesses called to testify as to the Defendant's good character and

reputation, which specifications should include the date, time, place and nature of such misconduct in order to fully apprise and notify the Defendant of all such evidence and to permit the Defendant adequate time to challenge its relevancy, materiality and accuracy prior to trial.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

**C. COMPETENCY/SANITY**

9. **INCOMPETENCY OF DEFENDANT:** Any evidence as to the competency of the Defendant at any time, including a history of mental illness or psychiatric care, which is in the possession of or within the knowledge of the District Attorney's Office or any of its agents.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

10. **INSANITY OF DEFENDANT:** Any evidence as to the sanity of the Defendant at any time, including a history of mental illness or psychiatric care, which is in the possession of or within the knowledge of the District Attorney's Office or any of its agents.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

11. **INCOMPETENCY OF WITNESSES:** Any evidence as to the competency of Witnesses at any time, including a history of mental illness or psychiatric care, which is in the possession of or within the knowledge of the District Attorney's Office or any of its agents.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

**D. AGREEMENT BETWEEN STATE AND WITNESSES**

12. **AGREEMENT BETWEEN STATE & WITNESSES:** Any agreement with any witness, or any person (including but not limited to co-defendants, co-conspirators, and/or informants) in the nature of concessions, promises, considerations, dealings, or plea bargains by the State to or with the witness which could influence the witness' testimony, including but not limited to waivers of speedy trial rights and oral agreements.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

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**E. STATEMENTS, ADMISSIONS AND CONFESSIONS**

13. **WITNESS OR PARTY STATEMENTS:** All statements made by any party or witness to this alleged offense in the possession of or within the knowledge of the District Attorney or any of his agents, including any law enforcement agency, whether such statements were written or oral, whether such statement is to be used or not at trial, which might in any manner be material to either the guilt or innocence of the Defendant or to the punishment, if any, to be set in this case.

**GRANTED** \_\_\_\_\_ **DENIED** \_\_\_\_\_

14. **DEFENDANT'S WAIVER PRIOR TO STATEMENT:** The written waiver alleged by the State to have been signed by the Defendant concerning the Defendant's right to counsel prior to the making of any written and oral statements when the Defendant was under arrest.

**GRANTED** \_\_\_\_\_ **DENIED** \_\_\_\_\_

15. **WRITTEN STATEMENTS SIGNED BY DEFENDANT:** All confessions, admissions, and statements in writing, signed by the Defendant in connection with this offense with which the Defendant is herein indicted.

**GRANTED** \_\_\_\_\_ **DENIED** \_\_\_\_\_

16. **ORAL STATEMENTS PRESERVED UNDER 38.22 OF DEFENDANT:** All confessions, admissions and statements, oral in nature and set down and preserved under Article No. 38.22 of the Code of Criminal Procedure, made by the Defendant in connection with the offense with which the Defendant is herein indicted.

**GRANTED** \_\_\_\_\_ **DENIED** \_\_\_\_\_

17. **DEFENDANT'S STATEMENTS TO GRAND JURY:** All oral and written statements made by te Defendant before the Grand Jury and transcribed by a reporter, in connection with the offense with which the Defendant is herein indicted.

**GRANTED** \_\_\_\_\_ **DENIED** \_\_\_\_\_

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18. ALL STATEMENTS OF DEFENDANT: All oral, written and recorded statements or memoranda of same made by the Defendant to any investigating officer or to any member of any law enforcement agency or to any third party and in the possession of or within the knowledge of the District Attorney's Office or any agent thereof, including any law enforcement agency.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

19. OFFICER'S NOTES DURING/AFTER DEFENDANT'S INTERROGATION: All handwritten and typed notes made by all law enforcement officers prior to, during and after the Defendant was interrogated; or in the alternative, that all said handwritten and typed notes be accurately preserved and maintained by said law enforcement officers until the trial of this cause in order that same may be available to the court and the jury on the issue of the voluntariness of the Defendant's statements.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

20. OFFICER'S NOTES DURING/AFTER CO-DEFENDANTS & CO-CONSPIRATORS INTERROGATION: All handwritten and typed notes made by all law enforcement officers prior to, during and after the Defendant was interrogated; or in the alternative, that all said handwritten and typed notes be accurately preserved and maintained by said law enforcement officers until the trial of this cause in order that same may be available to the court and the jury on the issue of the voluntariness of the Defendant's statements.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

**F. EAVESDROPPING AND/OR SURVEILLANCE**

21. EAVESDROPPING AND/OR SURVEILLANCE: All stenographic, telephonic recordings, video tapes and transcriptions thereof of all information and evidence obtained by means of electronic eavesdropping and/or surveillance by law enforcement officers, and all test results run on said recordings, and video tapes, in order to permit the Defendant adequately and properly to test

the validity and authenticity of each of said recordings prior to trial by an expert of the Defendant's choosing.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

**G. BRADY MATERIAL**

22. FAVORABLE, EXCULPATORY, OR MITIGATION EVIDENCE: All statements (whether witness is to be called at trial or not), police work notes and reports, and any other evidence which might be favorable, exculpatory, or mitigating to Defendant and material to the issues of guilt or punishment or which could reasonably weaken, affect, or impeach any evidence proposed to be introduced against Defendant, which is in the possession or knowledge of the District Attorney or any agent thereof, including any law enforcement or other concerned agency.

- a) Remorse, Sorrow, Contrition, or Grief stated verbally or through appearance and behavior shown by the defendant.
- b) Evidence of the defendant's mental or emotional state as observed by any law enforcement or other concerned agency, concerning, but not limited to: confusion, depression, anxiety, or emotion instability.
- c) Any video or audio recordings with the defendant that would show the behaviors and attitudes listed in (a) and (b) above or would be mitigating in the punishment phase of the trial.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

**H. LINE-UP**

23. LINE-UP PHOTOGRAPHS: All still or moving photographs made of any line-up conducted in this case, wherein the Defendant was one of the participants.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

24. POLICE FORM USED IN LINE-UP: The police form used by law enforcement authorities to identify all participants in any line-up wherein the Defendant was a participant, which includes information as to each participant in the line-up and as to each witness who was

present at said line-up.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

25. WITNESS LINE-UP FORM: A copy of the witness's line-up identification form given to each witness who attended the line wherein the Defendant was a participant in this case.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

**I. PHOTOGRAPHS, DIAGRAMS & DRAWINGS**

26. PHOTOGRAPHS SHOWN TO WITNESSES: All photographs of all suspects which were shown to all potential witnesses to the alleged offense, concerning the identity of the perpetrator of the offense for which the Defendant has been indicted.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

27. PHOTOGRAPHS OF DEFENDANT USED IN INVESTIGATION: All photographs of the Defendant which were used in conjunction with the investigation of this case, including any photographs which may have been shown by any law enforcement officer to any potential witness in this case.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

28. PHOTOGRAPHS ETC. OF CRIME SCENE AND ARREST: All still or moving photographs, drawings and charts made by the District Attorney's Office or any agent thereof, including any law enforcement agency, which were made with reference to this case, including but not limited to all photographs, drawings, and charts of the scene of the crime and the scene of the Defendant's arrest. The photos (not just xeroxes of them) so that they can be shown to our own medical expert for evaluation. The defense would submit that the photos may not be reproduced by the defense, since they must stay in the possession of the State. The defense prays that they be provided by a day certain, in \_\_\_\_\_, to allow the defense to use them before the trial.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

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29. PHOTOGRAPHS ETC. OF COMPLAINANT: All still or moving photographs of the complainant, whether taken at the scene of the alleged offense, at the scene where the complainant was discovered or at the time the examination/autopsy was performed.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

30. PHOTOGRAPHIC NEGATIVES MADE IN INVESTIGATION: All photographic negatives whether heretofore printed or not by the District Attorney or any of his agents, including any law enforcement agency, which were made in the investigation of this case.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

**J. FINGERPRINTS & REPORTS**

31. FINGERPRINTS AND REPORTS: All fingerprints, palm prints, and footprints, tire tracks and reports of same, alleged by the State to have been made by the Defendant, his co-defendants and co-conspirators in the commission of the offense with which the Defendant is herein indicted.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

**K. GASKIN RULE**

32. CROSS-EXAMINATION & IMPEACHMENT OF WITNESSES: For the purpose of cross-examination and impeachment after a witness called by the State has testified, that the following be made available to the defendant, i.e., prior written, taped or video taped statements of the witness; any notations or memorandum of oral statements of the witness; and any material used to refresh the memory of the witness or used before the jury.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

**L. WARRANTS & AFFIDAVITS**

33. DEFENDANT'S CONSENT TO SEARCH: Any written consents to search the Defendant's residence alleged by the State to have been signed by the Defendant, or any other person

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prior to the search and seizure of said residence.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

34. WARRANTS AND AFFIDAVITS: Any search warrant and arrest warrant and affidavits in support thereof, used by law enforcement authorities to enter the Defendant's residence and vehicle.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

**M. CONTRABAND**

35. CONTRABAND SEIZED: All contraband which was seized as a result of the investigation of the instant case in order to permit the Defendant to have an opportunity to examine the same and obtain an expert to conduct an independent evaluation of same.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

36. CONTRABAND CONTAINERS: All boxes, cans, cartons, envelopes, plastic bags, sacks, or any container (no matter what type or nature) that the State alleges contained, wrapped, or covered any alleged contraband or controlled substance connected with the offense in which the Defendant is herein indicted.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

**N. TANGIBLE OBJECTS USED IN CRIME**

37. OBJECTS USED BY DEFENDANT IN OFFENSE: All weapons, tools, implements, devices or other tangible objects alleged by the State to have been used by defendant in the commission of the offense with which the Defendant is herein indicted. The exact location where the object was recovered.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

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**O. OTHER TANGIBLE OBJECTS**

38. **CLOTHING OF COMPLAINANT:** The clothing alleged by the State to have been worn by the complainant at the time of the commission of the offense. The exact location where the object was recovered.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

39. **PROPERTY OF DEFENDANT:** All documents, papers, books, accounts, letters, objects, tangible things, articles of clothing (including shirts, pants, shoes, and rags) which are or have been the property of the Defendant which are in the possession, custody, and/or control of the District Attorney or any agent thereof, including any law enforcement agency, including any knives and guns. The exact location where the object was recovered.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

40. **OTHER MATERIAL EVIDENCE:** All documents, papers, books, accounts, letters, objects and tangible things which are the property of any other person which are in the possession of the District Attorney as a result of the investigation which resulted in the instant indictment and which are material evidence in this case as to the Defendant's guilt or innocence or as to the punishment, if any.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

**P. REPORTS: SCIENTIFIC, FORENSIC & MEDICAL**

41. **SCIENTIFIC REPORTS AND EXPERTS:** All reports of scientific tests, experiments and comparisons and all other reports of experts and the name and address of each such person who made such report or performed such test, experiment or comparison, including but not limited to reports pertaining to weapons, bullets, shots, waddings, cartridge cases, and tool marks.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

00308

42. RESULTS OF ANALYSIS OF DEFENDANTS CLOTHING: The analysis of and results of any blood, chemical and scientific tests which have been conducted on the clothing, purportedly worn by the Defendant during the commission of the alleged offense.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

43. RESULTS OF BLOOD AND BREATH TEST: The results of the blood and breath test(s) given to the Defendant in this case.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

44. MEDICAL AND PSYCHIATRIC REPORTS OF DEFENDANT: All medical and psychiatric reports submitted by any doctor, psychiatrist or psychologist at the request of the State or the Court in conjunction with all examinations of the Defendant.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

45. MEDICAL REPORTS OF COMPLAINANT RE: PHYSICAL CONDITION: All medical reports which show or tend to show the physical condition of the complainant at or about the time of the commission of the alleged offense.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

46. BLOOD TYPE OF COMPLAINANT: The blood type of the complainant, including the results of all tests on his blood.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

47. MEDICAL/AUTOPSY REPORTS: All medical/autopsy reports based on examination of the complainant, and all tapes dictated or notes made regarding the injury/death of complainant.

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

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**II.**

In support of this motion, the Defendant would show the Court as follows:

1. The items requested are in the exclusive possession, custody and control of the State of Texas by and through its agents, the police or the prosecuting attorney's office, and the Defendant has no other means of ascertaining the disclosures requested.
2. The items requested are not privileged.
3. The items and information are material to this cause and the issues of guilt or innocence and punishment to be determined in this cause.
4. The Defendant cannot safely go to trial without such information and inspection, nor can the Defendant adequately prepare the defense to the charges against him.
5. Failing to order such discover would violate Defendant's rights under Article No. 39.14, C.C.P., Article No. I, Section 19 of the Constitution of the State of Texas, and the Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States of America will be violated, to his irreparable injury and thus deprive the Defendant of a fair trial herein.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED**, the Defendant respectfully prays that this Honorable Court will grant this the Defendant's Motion for Discovery and Inspection of Evidence in all things, or in the alternative, that this Court will set this matter down for a hearing prior to trial on the merits and that at such hearing this motion will be, in all things, granted.

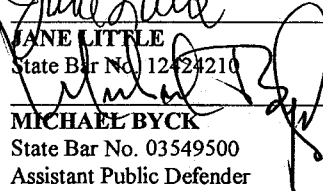
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Respectfully submitted,



JANE LITTLE  
State Bar No. 12424210

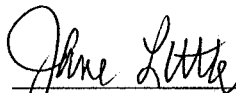


MICHAEL BYCK

State Bar No. 03549500  
Assistant Public Defender  
Public Defender's Office  
133 N. 133 North Industrial Boulevard  
Suite C-1., LB 2  
Dallas, TX 75207  
ATTORNEY FOR DEFENDANT  
214-653-3550

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing Motion has been delivered to the  
Dallas County District on the same day the Motion was filed with the District Clerk.



JANE LITTLE

00311

CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M

STATE OF TEXAS	§	IN THE 194 <sup>TH</sup> JUDICIAL
	§	
VS.	§	DISTRICT COURT OF
	§	
JEDIDIAH ISAAC MURPHY	§	DALLAS COUNTY, TEXAS

**ORDER**

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2001, came to be considered Defendant's Motion for Discovery and Inspection of Evidence, and the items requested therein are hereby **GRANTED/DENIED** as indicated after each request.

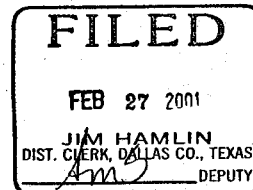
SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
**JUDGE PRESIDING**

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NO. F00-02424-M and F00-23910-M



STATE OF TEXAS \* IN THE 194th JUDICIAL  
VS. \* DISTRICT COURT  
JEDIDIAH ISSAC MURPHY \* DALLAS COUNTY, TEXAS

**DEFENDANT'S REQUEST FOR NOTICE OF EXTRANEIOUS ACTS**  
**AND CHARACTER EVIDENCE**

COMES NOW, the Defendant in the above-styled and numbered cause, in accordance with Rule 404(b) of the Texas Rules of Evidence and Article 37.07 §3(g) of the Texas Code of Criminal Procedure and requests in advance of trial reasonable notice of the intent of the State to introduce any evidence of Defendant's character or of extraneous acts alleged to have been committed by the Defendant herein.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jeniifer Balido".

Jeniifer Balido  
Public Defenders Office  
133 N. Industrial Blvd., LB 2  
Dallas, Texas 75207  
(214) 653-3550  
State Bar No. 10474880

ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Dallas County District Attorneys Office by personal delivery on the same date of filing herewith.

A handwritten signature in cursive script that reads "Balido".

00313

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NO. F00-02424-M and F00-23190-M

STATE OF TEXAS

VS.

JEDIDIAH ISSAC MURPHY

\*

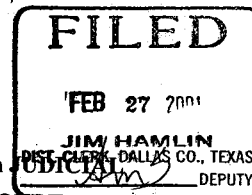
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\*

IN THE 194th

DISTRICT COURT

DALLAS COUNTY, TEXAS



MOTION FOR DISCOVERY RELATED TO DNA

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Defendant in the above-styled and numbered cause, by and through his attorney of record, and files this Motion for Discovery.

I.

Defendant moves the Court, pursuant to Article 39.14 of the Texas Code of Criminal Procedure, to order the District Attorney to permit defense counsel to inspect and copy, or in the alternative, to order the District Attorney to provide copies to the Defendant of the following items:

1. Copies of the regular format, running conditions or protocol used by any laboratory for the techniques employed in this case.
2. Copies of all log books, diagrams, charts, notes, memoranda and worksheets regarding test results and analysis of evidence in this case.
3. Copies of all laboratory records of quality control of all blind trials or proficiency tests conducted by any laboratory involved in this case.

II.

In support of this Motion, the Defendant would show the Court the following:

1. The items requested are in the exclusive possession, custody and control of the State of Texas by and through its agents, the police, or the prosecuting attorney's office, and the Defendant has no other means of ascertaining the disclosures requested.
2. The items requested are not privileged.
3. The items and information are material to this cause and the issues of guilt or innocence and punishment to be determined in this cause.
4. The Defendant cannot safely go to trial without such information and inspection, nor can the Defendant adequately prepare the defense to the charges against him.

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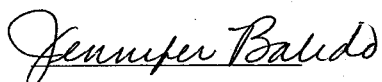
5. That absent such discovery the Defendant's rights under Article 39.14 of the Texas Code of Criminal Procedure, Article I, Section 10 of the Constitution of the State of Texas, and the Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States of America will be violated, to his irreparable injury and thus deprive the Defendant of a fair trial herein.

III.

The Defendant respectfully requests this Court to make this Motion applicable to any testing agency which has conducted, or been involved or associated with conducting tests on evidence in the case pending against the Defendant herein.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that this Motion be granted.

Respectfully submitted,



Jennifer Balido  
Public Defenders Office  
133 N. Industrial Blvd., LB 2  
Dallas, Texas 75207  
(214) 653-3550  
State Bar No. 10474880

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Dallas County District Attorney's Office by personal delivery on the same date of filing herewith.



ORDER

On the \_\_\_\_\_, the Court having considered the above and foregoing Motion finds the same is hereby GRANTED / DENIED. The Court further orders the appropriate personnel at the Southwestern Institute of Forensic Sciences to allow Genescreen personnel access to such evidence in order to conduct an independent inspection and analysis.

\_\_\_\_\_  
Judge Presiding

F00-02424-M AND F00-23910-M

STATE OF TEXAS

VS.

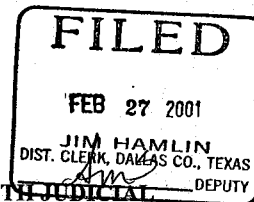
JEDIDIAH ISSAC MURPHY

\*

\*

\*

IN THE 194TH JUDICIAL  
DISTRICT COURT  
DALLAS COUNTY, TEXAS



**MOTION REQUESTING NOTICE OF STATE'S INTENT TO USE PRIOR  
CONVICTIONS FOR IMPEACHMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Defendant in the above-styled and numbered cause and moves the Court to require the State of provide advance written notice of intent to use any prior convictions for the impeachment of Jedidiah Issac Murphy and in support of this motion the Defendant would show:

I.

Such notice is required by rule 609(f) of the Texas Rules of Criminal Evidence.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that this Motion be in all things granted.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jennifer Balido".

Jennifer Balido  
Public Defenders Office  
133 N.Industrial Blvd.,LB 2  
Dallas, Texas 75207  
(214) 653-3550  
State Bar No. 10474880

ATTORNEY FOR DEFENDANT

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CERTIFICATE OF SERVICE

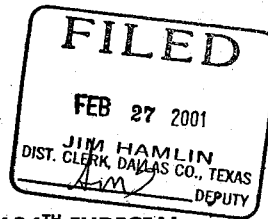
I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Dallas County District Attorney's Office by personal delivery on the same date of filing herewith.

Baudo

ORDER

On the \_\_\_\_\_, the Court having considered the above and foregoing Motion finds the same is hereby **GRANTED / DENIED**.

\_\_\_\_\_  
Judge Presiding



CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M

THE STATE OF TEXAS                   §           IN THE 194<sup>TH</sup> JUDICIAL  
VS.                                       §           DISTRICT COURT OF  
JEDIDIAH ISAAC MURPHY               §           DALLAS COUNTY, TEXAS

**MOTION FOR INVENTORY OF ITEMS TAKEN AT THE CRIME SCENES**

COMES NOW, Jedidiah Isaac Murphy, Defendant in the above-entitled and numbered causes and moves the court to require the State to provide him a complete inventory of all items taken from the crime scene(s) or items that have been linked to the crime scene(s) or to the deceased or to either the Defendant or any co-defendant, or any person acting with the Defendant or any co-defendant in this case. The Defendant would further request that the court order the State in its inventory to provide an itemization of the person from which the item was seized, the date it was seized, and the place that it was seized from, as well as any indication that latent fingerprints were lifted or attempted to be lifted from the item, and the person identified as having made those fingerprints, if any.

As grounds for the above and foregoing motion the Defendant would show the court as follows:

**I.**

It is believed that the state will rely, at least in part, upon circumstantial evidence in the prosecution of this case.

**II.**

Without a complete inventory of all physical evidence, which the State intends to introduce, as well as that evidence of which the state has knowledge, but does not intend to introduce, it will be impossible for the Defendant to properly prepare to rebut any physical evidence or direct evidence of his guilt.

**III.**

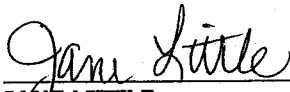
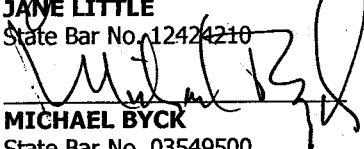
A mere showing of such evidence to the Defendant without any indication of when, where, or for whom it was seized would not allow the Defendant to sufficiently prepare to rebut such evidence at time of trial.

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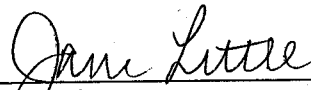
**WHEREFORE, PREMISES CONSIDERED,** it is respectfully requested that the above and foregoing motion be granted.

Respectfully submitted,

  
**JANE LITTLE**  
State Bar No. 12424210  
  
**MICHAEL BYCK**  
State Bar No. 03549500  
Assistant Public Defenders  
Public Defender's Office  
133 N. Industrial Boulevard  
Suite, C-1, LB 2  
Dallas, Texas 75207  
(214) 653-3550

**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Assistant District Attorney of Dallas County by personal delivery on the same date of filing herewith.

  
Jane Little

**ORDER**

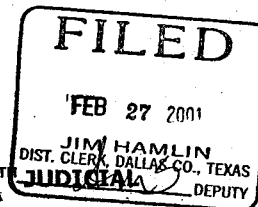
**ON THIS DATE** came on to be heard the foregoing Defendant's Motion, and the Court, after due deliberation, hold that the motion is [GRANTED] [DENIED], to which action of the Court the defendant respectfully excepts].

\_\_\_\_\_  
Judge Presiding

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CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



THE STATE OF TEXAS                   §           IN THE 194<sup>TH</sup>  
VS.   §           DISTRICT COURT OF  
JEDIDIAH ISAAC MURPHY               §           DALLAS COUNTY, TEXAS

**MOTION FOR DISCOVERY IN DEATH PENALTY CASE**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**COMES NOW, Jedidiah Isaac Murphy**, the Defendant in the above-styled and numbered cases, by and through his attorneys of record, and files this Motion for Discovery in Death Penalty Case and in support thereof would show:

**I.**

The Defendant moves this Court to order the State to produce and permit the inspection and analysis of and copying and/or photographing of, by or on behalf of the Defendant, the following designated items:

1. All evidence, whether written or oral, of the range and severity of the prior criminal record of the Defendant, including that as a juvenile. In this connection, the Defendant requests the Court to order the prosecuting authorities to tender all files and documents in their possession or under their control dealing with the prosecution of the Defendant in this case for any offenses other than the ones which are the subject of the instant indictment.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

In addition, the following requests are made:

- (a) Copies of all complaints, information and indictments previously filed against the Defendant for cases other than the above cause.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

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- (b) Copies of statements of all witnesses secured in connection with the investigation of any prior cases against the Defendant

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

- (c) Copies of arrest reports and offense reports made in connection with the prosecution of any prior cases against the defendant.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

- (d) Copies of any statement of facts or transcription of a court reporter's notes of any prior trials or hearing in cases dealing with the prosecution of Defendant for any prior offense.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

2. Any statement, whether written or oral, of any possible witness which indicates directly or indirectly that the Defendant has previously expressed that he has committed or will commit any acts of violence.

 \_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

3. Any statement, whether written or oral, of any possible witness which indicates directly or indirectly that Defendant has at any time in his life expressed any of the following.

1. A willingness to kill;

2. A desire to kill;

3. An ability to kill;

4. Any statement, whether written or oral, of any possible witness which indicates directly or indirectly that the Defendant has previously expressed anything that could reasonably be interpreted to mean that Defendant posed

or poses a threat to society.

                     **GRANTED**  
                     **DENIED**

5. Any statements or admissions of the Defendant made to third parties which show or tend to show a propensity for acts of violence.

                     **GRANTED**  
                     **DENIED**

6. Any statements or admission of the Defendant made to third parties which show or tend to show a propensity to pose a threat to society.

                     **GRANTED**  
                     **DENIED**

7. Any evidence, whether written or oral, of prior specific misconduct (including all of such incidents with a description of each detailing when and where the same occurred, who was involved, and the full names, addresses and telephone numbers of those persons involved), whether charged or not that might be interpreted as showing that Defendant has a propensity for violence or has in the past been violent.

                     **GRANTED**  
                     **DENIED**

8. Any evidence, whether written or oral, of prior specific misconduct (including all of such incidents with a description of each detailing when and where the same occurred, who was involved, and the full names, addresses and telephone numbers of those person involved) whether charged or not that might be interpreted as showing that Defendant poses a threat to society.

                     **GRANTED**  
                     **DENIED**

9. Any evidence, whether written or oral, including letters and statements of witnesses, but not limited thereto, which relates to any efforts of the

Defendant to rehabilitate himself.

~~\_\_\_\_\_~~ **GRANTED**

\_\_\_\_\_ **DENIED**

10. Any evidence, whether written or oral, of Defendant's employment records, including statements of any witnesses relative to his performance of any job or jobs.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

11. Any evidence, whether written or oral, of Defendant's school records including statements of witnesses relative to his performance or attendance at school or schools.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

12. Any evidence, whether written or oral, including letters and statements of witnesses, but not limited thereto, which relates to remorse in connection with the crime charged in the instant indictment, or any lack thereof.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

13. Any evidence, whether written or oral, including letters and statements of witnesses, but not limited thereto, which relates to whether or not the conduct of the Defendant might reasonably be anticipated to be altered in the future.

\_\_\_\_\_ **GRANTED**

\_\_\_\_\_ **DENIED**

14. A copy of all records of Defendant's behavior while incarcerated at the Dallas County Jail, and at the Institutional Division of the Texas Department of

Criminal Justice.

~~\_\_\_\_\_~~ **GRANTED**  
\_\_\_\_\_ **DENIED**

15. A copy of all records compiled and kept by the Dallas County Adult Probation Office and the Dallas County Juvenile Probation Department concerning Defendant's conduct as a probationer in all other cases.

~~\_\_\_\_\_~~ **GRANTED**  
\_\_\_\_\_ **DENIED**

16. An opportunity to examine the files of the Dallas County District Attorney's Office for all cases in its possession in which Defendant has been the subject of prosecution, either as an adult or juvenile, and regardless of which counties the Defendant has been prosecuted or investigated.

~~\_\_\_\_\_~~ **GRANTED**  
\_\_\_\_\_ **DENIED**

17. A list of the names, addresses, and telephone numbers of all persons the State intends to call as witnesses at the punishment phase of this trial.

~~\_\_\_\_\_~~ **GRANTED**  
\_\_\_\_\_ **DENIED**

18. All evidence in the prosecution's possession or available to the prosecution which is favorable to the Defendant on the issue of punishment, including but not limited to evidence disclosing:

- (a) The Defendant has no significant history of prior violent criminal activity;
- (b) The offense was committed when the Defendant was under the influence of extreme mental or emotional disturbance;
- (c) The victim was a participant in the Defendant's conduct;
- (d) The Defendant was an accomplice and his participation was relatively minor;

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- (e) The Defendant acted under extreme duress or under the substantial domination of another person;
- (f) The capacity of the Defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired; and
- (g) Partial or total negation of any evidence offered by the state in support of any alleged aggravating circumstance.

~~\_\_\_\_\_~~ **GRANTED**  
\_\_\_\_\_ **DENIED**

19. Any other evidence of the circumstances of the crime or the character and record of another party to the crime that would tend to show that the other party was more culpable, more dominant, or more dangerous than the Defendant.

\_\_\_\_\_ **GRANTED**

~~\_\_\_\_\_~~ **DENIED**

20. Any other evidence that is probative of a negative answer to one or more of the special issues provided for by Article 37.071§2(b) or an affirmative answer to the mitigation issue in Article 37.071§2(e).

~~\_\_\_\_\_~~ **GRANTED**  
\_\_\_\_\_ **DENIED**

21. Any other evidence of any aspect of the Defendant's character and record or the circumstances of the crime that may call for a sentence less than death.

~~\_\_\_\_\_~~ **GRANTED**  
\_\_\_\_\_ **DENIED**

In support of the Motion, the Defendant would show the Court as follows:

1. The items requested are in the exclusive possession, custody and control of the State of Texas or the United States Government by and through its agents, the police or the prosecuting attorney's office, and

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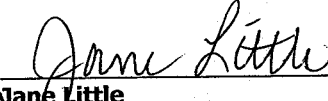
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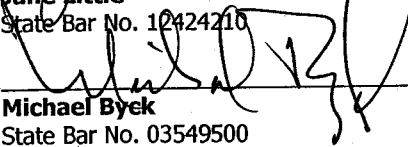
the Defendant has no other means of ascertaining the disclosures requested.

2. The items requested are not privileged.
3. The items and information are material to these causes and the issues of guilt or innocence and punishment to be determined in these causes.
4. The Defendant cannot safely go to trial without such information and inspection, nor can the Defendant adequately prepare the defense to the charges against him.
5. In order for Defendant's counsel to effectively investigate and defend against any and all extraneous and/or unadjudicated acts of misconduct that the State may present at trial in these causes, counsel is entitled to discovery of such acts with sufficient notice. Granting Defendant's request for discovery will avoid any last minute investigation which may delay the trial and/or hinder Defendant's counsel from properly conducting voir dire and other responsibilities during trial.
6. Because both adjudicated and unadjudicated offenses are admissible in evidence in the punishment phases of a trial pursuant to art. 37.071, Tex. Code Crim. Pro. Ann., to deny the Defendant access to the evidence available to the State to sustain its burden of proof in this stage of the trial would deny the Defendant due process of law as guaranteed under the Fourteenth Amendment to the United States Constitution as well as the Defendant's right under Art. 39.14, Tex. Code Crim. Proc. Ann., Article I, §§ 3, 10, 13, 15 and 19 of the Texas Constitution and the Fourth, Fifth, Sixth and Eighth Amendments to the United States Constitution.

**WHEREFORE, PREMISES CONSIDERED,** the Defendant respectfully prays that this Motion for Discovery be granted in all things.

Respectfully submitted,

  
\_\_\_\_\_  
**Jane Little**  
State Bar No. 12424210


  
\_\_\_\_\_  
**Michael Byek**  
State Bar No. 03549500

Assistant Public Defenders  
133 North Industrial Boulevard  
Suite C-1. LB 2  
Dallas, Texas 75207  
(214) 653-3550

ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Assistant District Attorney of Dallas County by personal delivery on the same date of filing herewith.

  
\_\_\_\_\_  
Jane Little

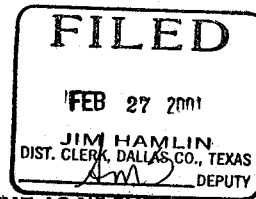
**ORDER**

**ON THIS DATE** came on to be heard the foregoing Defendant's Motion, and the Court, after due deliberation, hold that the motion is [GRANTED] [DENIED, to which action of the Court the defendant respectfully excepts].

\_\_\_\_\_  
Judge Presiding



CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



THE STATE OF TEXAS                   §           IN THE 194<sup>TH</sup> JUDICIAL  
VS.                                       §           DISTRICT COURT OF  
JEDIDIAH ISAAC MURPHY           §           DALLAS COUNTY, TEXAS

**DEFENDANT'S MOTION TO PREVENT UNFAIR SURPRISE DURING TRIAL**

**COMES NOW, JEDIDIAH ISAAC MURPHY**, Defendant in the above-styled causes, by and through his attorneys, and makes this Motion to Prevent Unfair Surprise During Trial, and as grounds therefor would respectfully show the Court as follows:

**I.**

The Defendant has also filed a Motion to Discover Extraneous and/or Unadjudicated Acts of Misconduct to be Offered at Guilt or Punishment. This Motion is made in conjunction with the requests made in that discovery motion.

**II.**

During the voir dire and trial of a capital murder case the State continues to investigate and discover what they allege are extraneous and/or unadjudicated acts of misconduct. The Defendant is notified at some point and expected to investigate and defend against these acts. Notice to a defendant of such acts during trial is insufficient. Defendant's counsel cannot conduct voir dire and his other responsibilities during trial while investigating last minute allegations against the Defendant.

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**III.**

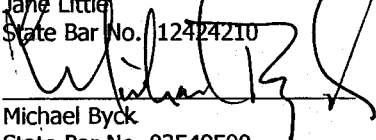
Evidence of this type will deny the Defendant effective assistance of counsel, as well as due process, and could result in a punishment verdict in violation of the Sixth, Eighth, and Fourteenth Amendments to the United States Constitution and Article 1, §10, §13, §15 and §19 of the Texas Constitution.

If the Court will not establish a "cut off" date for notice to the Defendant of these acts, Defendant will be forced to ask for a continuance in order to conduct a proper investigation into the newly alleged conduct. In the alternative, Defendant would request that this Court establish a "cut off" date beyond which the State will not be allowed to offer evidence that it has not disclosed to the Defendant.

**WHEREFORE, PREMISES CONSIDERED,** Defendant prays this Court establish such a "cut off" date for such notice.

Respectfully submitted,

  
Jane Little  
State Bar No. 12424210

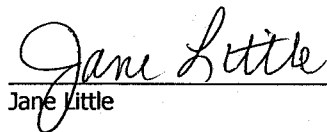
  
Michael Byck  
State Bar No. 03549500  
Assistant Public Defenders  
Public Defender's Office  
133 N. Industrial Boulevard  
Suite, C-1, LB 2  
Dallas, Texas 75207  
(214) 653-3550

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az

**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Assistant District Attorney of Dallas County by personal delivery on the same date of filing herewith.

  
\_\_\_\_\_  
Jane Little

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THE STATE OF TEXAS                    §            IN THE 194<sup>TH</sup> JUDICIAL  
VS.    §            DISTRICT COURT OF  
JEDIDIAH ISAAC MURPHY                §            DALLAS COUNTY, TEXAS

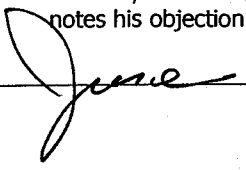
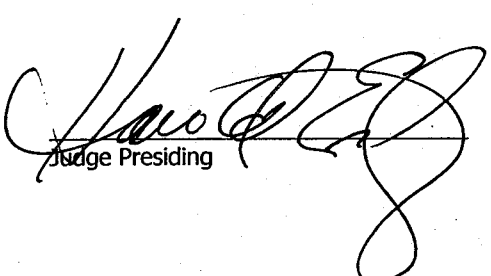
**ORDER ON DEFENDANT'S MOTION  
TO PREVENT UNFAIR SURPRISE DURING TRIAL**

Came on to be heard this \_\_\_\_ day of \_\_\_\_\_, 2001,  
Defendant's Motion to Prevent Unfair Surprise During Trial, and after due consideration,  
the Court is of the opinion, and it is hereby ORDERED, that said Motion is:

\_\_\_\_\_  
GRANTED, and the State is hereby  
ORDERED to disclose all relevant conduct  
of the Defendant that it intends to offer  
against the Defendant on or before  
\_\_\_\_\_, or such  
evidence will not be admitted before this  
jury.

\_\_\_\_\_  
DENIED, to which ruling Defendant timely  
notes his objection.

SIGNED this the 4 day of June, 2001.

  
  
\_\_\_\_\_  
Judge Presiding

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F00-02424-M AND F00-23910-M

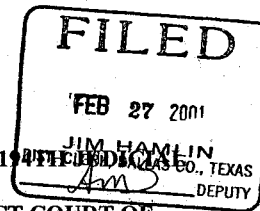
THE STATE OF TEXAS

V.

JEDIDIAH ISSAC MURPHY

§  
§  
§  
§  
§

IN THE 14TH JUDICIAL DISTRICT COURT OF  
DALLAS COUNTY, TX



MOTION IN LIMINE REGARDING DNA EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Defendant in the above-styled and numbered cause, by and through his attorney of record, and respectfully requests that the Court instruct the State not to mention, allude to, or refer to in any manner the results of any DNA testing done in this case in the presence of the jury until a hearing has been held outside the presence of the jury to determine the admissibility of such evidence. Tex. Rule Crim. Evid 104. In support of this motion Defendant shows the following:

I.

The Defendant has reason to believe that the State will offer evidence of DNA testing done in this case.

II.

The admissibility of such evidence is first governed by Rule 702 of the Texas Rules of Criminal Evidence. Kelly v. State 824 S.W.2d 568 (Tex. Crim. App. 1992). In order to assist the trier of fact, the proponent of such evidence must show by clear and convincing evidence that such evidence is sufficiently reliable, i.e., probative and relevant.

III.

Defendant would argue that even if the scientific principles at issue are found to be

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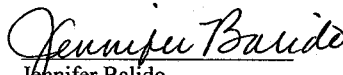
reliable, the probability statistics in this case are of limited probative value, and therefore, not relevant. Tex. Rule Crim. Evid. 401.

IV.

Even if such evidence is found to be relevant, Defendant would argue that its admission is still prohibited by Rule 403 of the Texas Rules of Criminal Evidence since any probative value of such evidence is substantially outweighed by the dangers of unfair prejudice, confusion of the issues, and misleading the jury. Considerations of undue delay and the needless presentation of cumulative evidence also militate in favor of the exclusion of such evidence.

WHEREFORE, PREMISES CONSIDERED, the Defendant requests that this motion be in all things granted.

Respectfully submitted,

  
Jennifer Balido  
Public Defenders Office  
133 N. Industrial Blvd., LB 2  
Dallas, Texas 75207  
(214) 653-3550  
State Bar No. 10474880

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

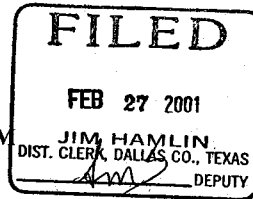
I hereby certify to the Court that a true and correct copy of the above and foregoing Motion in Limine was served on the Dallas County District Attorney's Office by personal delivery on the same date of filing herewith.

Baudo

ORDER

On the \_\_\_\_\_, the Court having considered the above and foregoing motion, finds the same is hereby **GRANTED / DENIED**.

\_\_\_\_\_  
Judge Presiding



NO. F00-02424-M AND FOO-23910-M

STATE OF TEXAS	*	IN THE 194TH JUDICIAL
VS.	*	DISTRICT COURT
JEDIDIAH ISSAC MURPHY	*	DALLAS COUNTY, TEXAS

**MOTION IN LIMINE REGARDING CHARACTER WITNESSES**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Defendant in the above-styled and numbered case, by and through his attorney of record, and respectfully requests that the Court instruct the State not to mention, allude to, or refer in any manner to any character evidence concerning the Defendant in the presence of the jury until a hearing has been held outside the presence of the jury to determine the qualifications of any character witness, and in support of this motion Defendant would show the following:

I.

Defendant anticipates that the State will call witnesses to testify about the Defendant's character either at the guilt/innocence or, if necessary, the punishment phase of the trial.

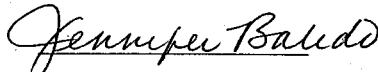
II.

It is well settled that the opponent is entitled to test the qualifications of any character witness outside the presence of the jury. This rule is meant to prevent the receipt of incurably harmful evidence by the jury. See, Jones v. State, 641 S.W.2d 545, 551-52 (Tex. Crim. App. 1982).



WHEREFORE, PREMISES CONSIDERED, Defendant moves that the Court grant this Motion and hold a hearing outside the presence of the jury prior to the testimony of all character witnesses called by the state, so that the Defendant may test their qualifications to testify about the Defendant's character.

Respectfully submitted,




Jennifer Balido  
Public Defenders Office  
133 N.Industrial Blvd.,LB 2  
Dallas, Texas 75207  
(214) 653-3550  
State Bar No. 10474880

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion in Limine was served on the Dallas County District Attorney's Office by personal delivery on the same date of filing herewith.



ORDER

On the 6-04-01, the Court having considered the above and foregoing motion, finds the same is hereby **GRANTED / DENIED**.



Judge Presiding

FOO-02424-M AND F00-23910

THE STATE OF TEXAS

V.

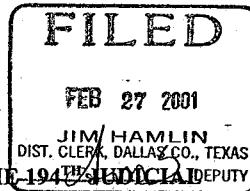
JEDIDIAH ISSAC MURPHY

§  
§  
§  
§  
§

IN THE 194TH JUDICIAL

DISTRICT COURT OF

DALLAS COUNTY, TX



MOTION IN LIMINE REGARDING PRIOR CONVICTIONS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Defendant in the above-styled and numbered cause, by and through his attorney of record, and respectfully requests that the Court instruct the State not to mention, allude to, or refer to in any manner any prior convictions or alleged violations of the law by the Defendant in this cause in the presence of the jury until a hearing has been held outside the presence of the jury to determine the following:

1. Whether the conviction is either a felony or a misdemeanor involving moral turpitude;
2. Whether the conviction occurred at a time so remote as to have no bearing on the present credibility of said witness;
3. Whether the Defendant now on trial is the same person so previously convicted;
4. Whether the prior conviction is a final conviction, and no direct appeal therefrom is pending in the state or federal appellate courts;
5. Whether the prior conviction resulted in the probation of a sentence which was previously discharged;
6. Whether the prior conviction was obtained at a time when the Defendant was indigent and without counsel and in the absence of an effective waiver of counsel;
7. Whether the probative value of admitting this conviction for the purpose of

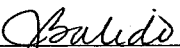
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attacking the witness' credibility outweighs its prejudicial effect to the Defendant. Theus v. State, 845 S.W.2d 874 (Tex. Crim. App. 1992); Tex. R. Crim. Evid. 609 (Vernon Special Pamphlet 1994).

WHEREFORE, PREMISES CONSIDERED, the Defendant requests that this motion be in all things granted.


Respectfully submitted,

  
Jennifer Balido  
Public Defenders Office  
133 N. Industrial Blvd., LB 2  
Dallas, Texas 75207  
(214) 653-3550  
State Bar No. 10474880

ATTORNEY FOR DEFENDANT

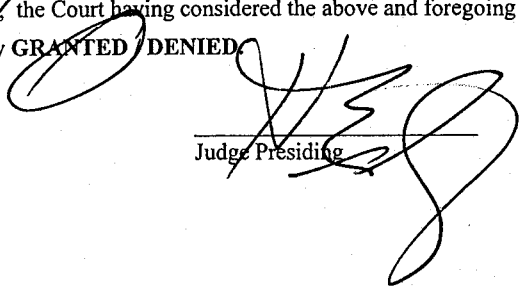
CERTIFICATE OF SERVICE

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion in Limine was served on the Dallas County District Attorney's Office by personal delivery on the same date of filing herewith.

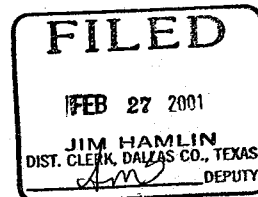


ORDER

On the 6-04-01, the Court having considered the above and foregoing motion, finds the same is hereby **GRANTED / DENIED**.

  
Judge Presiding

CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



STATE OF TEXAS	§	IN THE 194TH JUDICIAL
VS.	§	DISTRICT COURT
JEDIDIAH ISAAC MURPHY	§	DALLAS COUNTY, TEXAS

**MOTION IN LIMINE REGARDING STATEMENTS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant in the above styled and numbered causes, by and through his attorneys of record, and respectfully requests this honorable Court to instruct the prosecution not to mention, allude to, or refer to, directly or indirectly, during any stage of this trial, including but not limited to the voir dire examination, opening statements, and the direct and cross-examination of any witness, the fact that the Defendant herein may have made a statement immediately after he was detained and/or arrested in this cause, to any law enforcement official or agent thereof, until such time as a hearing has been conducted out of the hearing of the jury to determine the admissibility of any such testimony.

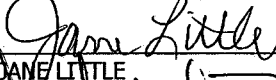
The Defendant further requests that this Court instruct the prosecution to advise the Court prior to eliciting any such testimony in order for the Court to excuse the jury and conduct a hearing outside the presence of the jury, without the necessity of counsel for the Defendant having to object to said testimony and request that the hearing be held outside the presence of the jury.

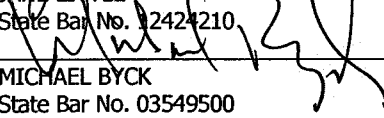
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**WHEREFORE, PREMISES CONSIDERED**, the Defendant respectfully prays that the honorable Court will grant this his Motion In Limine.


Respectfully submitted,

  
\_\_\_\_\_  
JANE LITTLE  
State Bar No. 12424210

  
\_\_\_\_\_  
MICHAEL BYCK  
State Bar No. 03549500  
Public Defenders Office  
133 N. Industrial Blvd., LB2  
Dallas, Texas 75207  
(214) 653-3550  
State Bar No. 12424210  
ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion in Limine was served on the Dallas County District Attorney's Office by personal delivery on the same date of filing herewith.

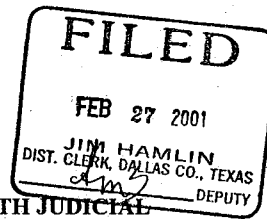
  
\_\_\_\_\_  
JANE LITTLE

**ORDER**

On the \_\_\_\_\_, the Court having considered the above and foregoing motion, finds the same is hereby **GRANTED / DENIED**.

\_\_\_\_\_  
Judge Presiding

NO. F00-02424-M AND F00-23910-M



STATE OF TEXAS  
VS.  
JEDIDIAH ISSAC MURPHY

\*  
\*  
\*

IN THE 194TH JUDICIAL  
DISTRICT COURT  
DALLAS COUNTY, TEXAS

**MOTION IN LIMINE REGARDING PUNISHMENT ARGUMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Defendant in the above-styled and numbered cause, by and through his attorney of record, and files this Motion in Limine and in support thereof would show as follows:

I.

It is anticipated that the State will argue that Defendant will constitute a continuing threat to society, both inside and outside the penitentiary.

II.

Unless the State has introduced evidence to show that this Defendant will be outside the penitentiary, or have influence outside the penitentiary, such an argument invites the jury to speculate upon the possibility of Defendant's parole. Such speculation will be in violation of the Court's specific instructions and will deprive this Defendant of a fair trial, due process, and due course of law, under the provisions of both the United States Constitution and the Constitution of the State of Texas.

III.

Therefore, Defendant requests that the Court instruct the attorneys for the State not to mention, allude to, or make any argument that implies, directly, or indirectly, that Defendant will ever, at any time, be eligible for or receive parole.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that the Court grant this motion.

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Respectfully submitted,

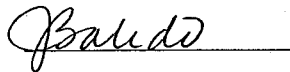


Jennifer Balido  
Public Defenders Office  
133 N. Industrial Blvd., LB 2  
Dallas, Texas 75207  
(214) 653-3550  
State Bar No. 10474880

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Dallas County District Attorney's Office by personal delivery on the same date of filing herewith.

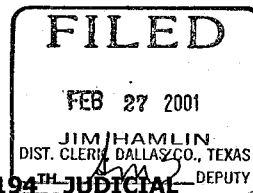


ORDER

On the \_\_\_\_\_, the Court having considered the above and foregoing Motion finds the same is hereby **GRANTED / DENIED**.

\_\_\_\_\_  
Judge Presiding

CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



THE STATE OF TEXAS	§	IN THE 19 <sup>TH</sup> JUDICIAL
VS.	§	DISTRICT COURT OF
JEDIDIAH ISAAC MURPHY	§	DALLAS COUNTY, TEXAS

**MOTION IN LIMINE REGARDING PHOTOGRAPHS**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, the Defendant in the above-styled and numbered causes, by and through his attorneys of record, and moves the Court to order the State to proffer crime scene photographs in the presence of the jury until the Court has conducted a hearing and had an opportunity to rule on their relevance under Rule 403 admissibility, and in support of such motion Defendant would show:

**I.**

The Defendant believes that at some point in the trial the State may attempt to introduce crime scene photographs depicting the body of the complainant in the above-referenced case.

**II.**

These crimes scene photographs are highly prejudicial in that they would influence and inflame the jury to convict and punish the Defendant out of all proportion to their weight as probative evidence in this prosecution of capital murder. Defendant would submit to the court that crime scene photographs of the complainant's body and autopsy photographs of the body will show only the depredations of decomposition and evidence

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of extensive aquatic activity which are gruesome, inflammatory, and highly prejudicial to the defendant. Defendant urges these photographs will show details of actions the defendant did not personally inflict on the complainant (results). For this reason, Defendant would be denied a fair trial if such photographs were admitted.

**III.**

The Defendant herewith offers to stipulate and agrees to the following:

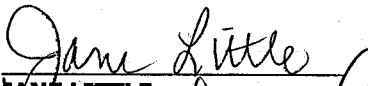
1. That the individual found on October 6, 2000 at 5:17 a.m. on a creek bank in Van Zandt County, Texas, is the complainant named in the indictment Bertie Cunningham, and is one and the same individual that was transported to Dallas, Texas, and autopsied in case number JP3564-00-2564 J.D.
2. That the cause of death of the complainant is a single gunshot wound to the head caused by a firearm, a deadly weapon, a shooting of the complainant exactly as alleged in the indictment and supported by the above-numbered autopsy report.
3. That the complainant Bertie Cunningham is an individual born alive and was alive until her death on or about October 4, 2000.
4. That the "shooting with a firearm", a deadly weapon' cause of death alleged in the indictment is the sole, complete, and only cause of death and that:
  - a) no pre-existing physical conditions or other concurrent or intervening causes or conditions contributed to the complainant's death.
  - b) that the defense will not offer evidence of, or attempts to the adduce or imply, or argue that any cause of death other than the "shooting with a firearm" allegation in the indictment caused the death of the complainant.

- c) that the manner and means of 'shooting with a firearm' allegation is legally sufficiently proved and uncontested by the defense.

**IV.**

The defendant would urge that gruesome, inflammatory, and prejudicial photographs of the complainant's body would violate defendant's Federal and Texas Constitutional rights to fundamental fairness and a reliable sentencing determination. Tucker v. Kemp 481 U.S. 1063 (1987). Reese v. State, No. 73, 281, Ct. Crim. App. Dec 6, 2000.

Respectfully submitted,

  
**JANE LITTLE**  
State Bar No. 02424210

  
**Michael Byck**  
State Bar No. 03549500  
Assistant Public Defenders  
Public Defender's Office  
133 N. Industrial Blvd.  
Suite C1-. LB 2  
Dallas, Texas 75207  
(214) 653-3550  
Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the District Attorney of Dallas County by personal delivery on the same date of filing herewith.

  
**JANE LITTLE**

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F00-02424-M AND F00-23910-M

THE STATE OF TEXAS

V.

JEDIDIAH ISAAC MURPHY

§  
§  
§  
§  
§

IN THE 194<sup>TH</sup> JUDICIAL

DISTRICT COURT OF

DALLAS COUNTY, TEXAS

**FILED**

FEB 27 2001

JIM HAMLIN  
DIST. CLERK, DALLAS CO., TEXAS  
DEPUTY

**MOTION IN LIMINE - CHARACTER OF THE  
COMPLAINANT - VICTIM IMPACT**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the Defendant, J. Murphy, by and through his attorneys of record, and moves in limine before trial for an order instructing the District Attorney, his representatives and witnesses, to refrain from making any direct or indirect reference whatsoever, at trial before the jury to irrelevant personal characteristics of the deceased or to the emotional impact of the death of the deceased on friends and family.

**I.**

In Booth v. Maryland, 107 S.Ct. 2529, 2533 (1987), the Supreme Court held that evidence which emphasized the personal qualities of the victim, the emotional impact of the crime on the family of the victim, and the family members' opinions and characteristics of the crime and the defendant, was irrelevant to the capital sentencing decision and created a constitutionally unacceptable risk that the jury would impose the death penalty in an arbitrary and capricious manner.

**II.**

In South Carolina v. Gathers, 109 S.Ct. 2207, 2211 (1989), the Court agreed that the trial court committed reversible error in placing before the jury personal characteristics of the victim which were irrelevant to the circumstances of the crime. In Payne v. Tennessee, 501 U.S. 808, 111 S.Ct. 2598 (1991), the Supreme Court ruled that victim impact testimony is not per se inadmissible.

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Recently, the Court of Criminal Appeals has issued an opinion in which it held that victim related evidence is relevant in the context of the mitigation special issue to show the uniqueness of the victim, the harm caused by the Defendant and as rebuttal to the Defendant's mitigating evidence. Mosley v. State, 983 S.W.2d 249 (Tex. Crim. App.1998).

Defendant contends that Mosley was wrongly decided, and that victim-related evidence is irrelevant to any special issue as currently drafted and, under the Texas capital punishment scheme, with no burden of proof on mitigation and no review of the mitigation verdict, the admission of such evidence violates the principles of the Eighth Amendment by creating an unacceptable risk that the sentencing decision will be made in an arbitrary and capricious manner.

### III.

Because it is irrelevant and therefore inadmissible, Defendant moves in limine that the District Attorney, his representatives and witnesses, refrain from direct or indirect reference to the following matters, at voir dire, in the opening or closing statements, in the evidence portion of the trial, and otherwise:

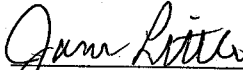
1. Evidence or assertions that the deceased was peaceable, law-abiding, truthful, honest, a good person, a good family member, a good provider, or possessed positive personal qualities;
2. Evidence or assertions about the deceased's personal characteristics which are irrelevant to the guilt/innocence of the Defendant or to his punishment;
3. Evidence or assertions about the emotional impact of the crime on the family of the deceased;
4. Evidence or assertions of the deceased's family members' opinions or characteristics of the alleged offense; and/or
5. Evidence or assertions of the deceased's family members' opinions and characteristics of the Defendant.

V.

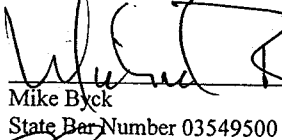
Any ordinary objection during the course of trial, even sustained with proper instructions to the jury, will not remove the harmful effect of this inadmissible evidence, in view of its highly prejudicial content.

WHEREFORE, the Defendant prays that this Honorable Court order and instruct the District Attorney, its representatives and its witnesses, not to elicit or give testimony respecting, allude to, cross-examine respecting, mention, or refer to any of the matters specified above, in the presence and hearing of the jury until a hearing has been held outside the presence of the jury to determine the relevance and admissibility of these matters.


Respectfully Submitted,



Jane Little  
State Bar Number 12424210



Mike Byck  
State Bar Number 03549500



Jennifer Balido  
State Bar Number 10474880

ATTORNEYS FOR DEFENDANT

Dallas County Public Defender's Office  
133 N. Industrial Blvd., LB 2  
Dallas, Texas 75207  
214-653-3550

00350

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing Motion was served on the District Attorney of Dallas County by personal delivery on the same date of filing herewith.

  
\_\_\_\_\_  
JANE LITTLE

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F00-02424-M AND F00-23910-M

THE STATE OF TEXAS

V.

JEDIDIAH ISAAC MURPHY

§  
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IN THE 194<sup>TH</sup> JUDICIAL

DISTRICT COURT OF

DALLAS COUNTY, TEXAS

ORDER ON DEFENDANT'S  
MOTION IN LIMINE - CHARACTER OF THE  
COMPLAINANT - VICTIM IMPACT

On this \_\_\_\_ day of \_\_\_\_\_, 2000 came on to be heard the Defendant's  
Motion in Limine - Charter of the Complainant - Victim Impact, and after due consideration, the  
Court is of the opinion, and it is hereby ORDERED, that said Motion is:

\_\_\_\_\_ GRANTED

\_\_\_\_\_ DENIED, to which ruling Defendant timely excepts.

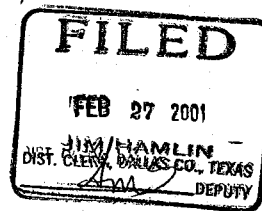
SIGNED this the \_\_\_\_ day of \_\_\_\_\_, 2000

\_\_\_\_\_  
JUDGE PRESIDING

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CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



THE STATE OF TEXAS                   §           IN THE 194<sup>TH</sup> JUDICIAL  
VS.   §           DISTRICT COURT OF  
JEDIDIAH ISAAC MURPHY               §           DALLAS COUNTY, TEXAS

**MOTION FOR PSYCHIATRIC EXPERT ASSISTANCE**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, JEDIDIAH ISAAC MURPHY, the Defendant in the above-styled and numbered causes, by and through his attorneys of record, and moves this Court pursuant to the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution, Article I, Sections 9, 10, 13, and 19 of the Texas Constitution, and Article 26.05 of the Texas Code of Criminal Procedure for funds to be used in securing a psychiatric expert to assist the preparation of the defense in this matter. In support of said motion, Defendant would show:

**I.**

Defendant is an indigent charged by indictment with capital murder in cause numbers F00-02424-M, and F00-23910-M. Defendant is represented by appointed counsel and has no money or assets of his own which could be used to hire an expert.

**II.**

In every case in Texas where the State seeks the death penalty and where the defendant is convicted of capital murder, the jury must decide whether there is a

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probability that the defendant will commit acts of criminal violence in the future that constitute a continuing threat to society. That is, in such a case, future dangerousness is always an issue. Therefore, the services of a psychologist are necessary for Defendant to evaluate, prepare and present mitigating evidence. See Ake. v. Oklahoma, 470. U.S. 68 (1985).

**III.**

Neither Defendant nor counsel is sufficiently knowledgeable in psychology to determine and assess the precise significance of the Defendant's psychological condition, or of the mitigating evidence available in this case.

**IV.**

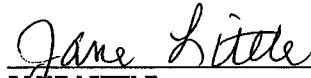
The services of a psychologist are necessary to enable the Defendant to prepare effectively for trial, present evidence on his own behalf and to cross-examine the State's witnesses. The evidence which will be the subject of expert opinion is critical to a determination of the mitigating significance of the evidence in this case.

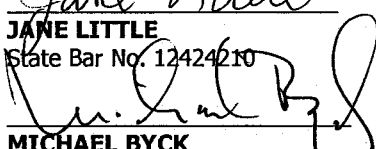
**V.**

If the Defendant is not provided expert assistance, he will be deprived of due process, due course, and equal protection of the laws, the effective assistance of counsel, his right to confront witnesses against him, his right to a fair and impartial trial, his right to present evidence on his own behalf, and his right to explain or deny evidence presented against him in the punishment phase, in violation of the Sixth, Eighth and Fourteenth Amendments to the United States Constitution and Article I, § 10, 13, and 19 of the Texas Constitution.

**WHEREFORE, PREMISES CONSIDERED**, the Defendant respectfully prays that the Court grant this motion and order that he be provided with sufficient funds to have a competent psychologist assist him in the investigation, evaluation, preparation and presentation of his case.

Respectfully submitted

  
**JANE LITTLE**  
State Bar No. 12424210

  
**MICHAEL BYCK**  
State Bar No. 03549500  
Assistant Public Defenders  
Public Defender's Office  
133 N. Industrial Boulevard  
Suite C-1. LB 2  
Dallas, Texas 75207  
(214) 653-3550  
ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Assistant District Attorney of Dallas County by personal delivery on the same date of filing herewith.

  
Jane Little

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**ORDER**

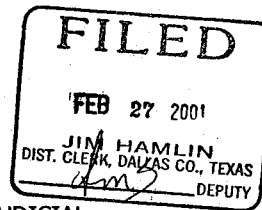
ON THIS DATE came on to be heard the foregoing Defendant's Motion, and the Court, after due deliberation, hold that the motion is ~~(GRANTED)~~ (DENIED, to which action of the Court the defendant respectfully excepts).

  
Judge Presiding

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CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



STATE OF TEXAS                   §           IN THE 194<sup>TH</sup> JUDICIAL  
VS.                                   §           DISTRICT COURT  
JEDIDIAH ISAAC MURPHY       §           DALLAS COUNTY, TEXAS

**MOTION FOR COURT REPORTER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, JEDIDIAH ISAAC MURPHY, the Defendant in the above-styled and numbered causes, by and through his attorneys of record, and respectfully moves this Honorable Court to instruct the Court Reporter to this Court to record by any method all proceedings held in this case, including but not limited to the following:

1. All pre-trial hearings held in conjunction with the guilt-innocence hearing and the punishment hearing, if any.
2. The entire voir dire examination of the jury panel during the trial of this cause on the merits.
3. All opening statements made by counsel for the prosecution and counsel for the Defendant during the hearing on guilt-innocence, all objections made thereto, and the ruling of the Court thereon.
4. All testimony of any and all witnesses during the guilt-innocence hearing and the punishment hearing, if any.
5. All testimony adduced at hearings held outside the presence of the jury during the guilt-innocence hearing and the punishment hearing, if any.
6. All communications between the Court and the jury during the guilt-innocence hearing and the punishment hearing if any.
7. All arguments made to the jury by counsel for the prosecution and counsel for the Defendant during the guilt-innocence hearing and the punishment hearing, if any.

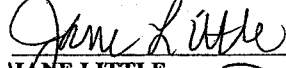
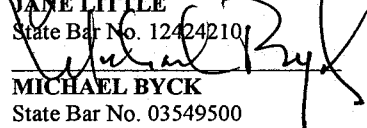
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8. All objections made by Defense Counsel and the District Attorney, and all rulings of the Court thereon, during the pre-trial hearings, the hearing to determine guilt-innocence , and the punishment hearing, if any.
9. All objections to the charge of the Court made by Defense Counsel and the District Attorney, during the guilt-innocence hearing and the punishment hearing, if any, and all rulings of the Court with respect thereto.

**WHEREFORE, PREMISES CONSIDERED,** Defendant respectfully prays that the Court grant this Motion in all things.

Respectfully submitted

  
**JANE LITTLE**  
State Bar No. 124242101  
  
**MICHAEL BYCK**  
State Bar No. 03549500  
Assistant Public Defenders  
Public Defender's Office  
133 N. Industrial Boulevard  
Suite C-1. LB 2  
Dallas, Texas 75207  
(214) 653-3550  
ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Assistant District Attorney of Dallas County by personal delivery on the same date of filing herewith.

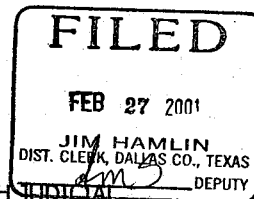
  
Jane Little

**ORDER**

On the 6-04-01, the Court having considered the above and  
foregoing Motion finds the same is hereby **GRANTED/DENIED**.

  
Judge Presiding

CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



STATE OF TEXAS                                   §           IN THE 194TH JUDICIAL  
VS.   §           DISTRICT COURT  
JEDIDIAH ISAAC MURPHY                   §           DALLAS COUNTY, TEXAS

**MOTION FOR LEAVE TO FILE ADDITIONAL MOTIONS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, JEDIDIAH MURPHY, the Defendant in the above-styled and numbered causes, by and through his attorneys of record, and files this Motion for Leave to File Additional Motions, and in support of said motion would show:

I.

Article 28.01 §2 of the Texas Code of Criminal Procedure provides that when a criminal case is set for a pre-trial hearing, any other preliminary matters not raised or filed seven days before such hearing will not thereafter be allowed to be raised or filed except by permission of the court for good cause shown.

II.

Only after the Defendant's Motion for Discovery, Inspection and Production of Evidence has been heard and further investigation made by Defendant will it become known to Defendant the proper additional motions that should be filed and heard prior to trial.

III.

To require Defendant to file all possible pre-trial motions prior to full disclosure and investigation would result in ineffective assistance of counsel to Defendant in violation of the Sixth and Fourteenth Amendments to the United States Constitution and Article I, Section 10 of the Texas Constitution.

00360

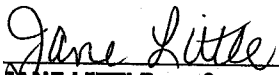
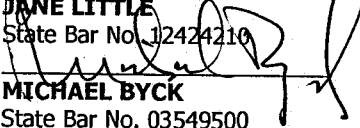
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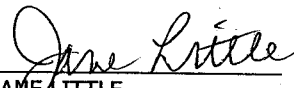
**WHEREFORE, PREMISES CONSIDERED**, the Defendant respectfully prays that the Court grant this motion and Defendant be permitted to file such additional motions as may be proper.

Respectfully submitted,

  
**JANE LITTLE**  
State Bar No. 12424210  
  
**MICHAEL BYCK**  
State Bar No. 03549500  
Assistant Public Defenders  
Public Defender's Office  
133 N. Industrial Blvd  
Suite, C-1, LB 2  
Dallas, Texas 75207  
(214) 653-3550

**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Dallas County District Attorney's Office by personal delivery on the same date of filing herewith.

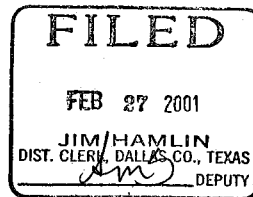
  
**JANE LITTLE**

**ORDER**

On the \_\_\_\_\_, the Court having considered the above and foregoing Motion finds the same is hereby **GRANTED / DENIED**.

\_\_\_\_\_  
Judge Presiding

CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



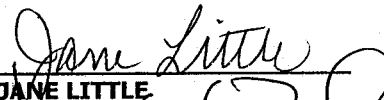
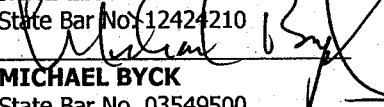
THE STATE OF TEXAS	§	IN THE 194 <sup>TH</sup> JUDICIAL
VS.	§	DISTRICT COURT OF
JEDIDIAH ISAAC MURPHY	§	DALLAS COUNTY, TEXAS

**MOTION FOR ELECTION OF PUNISHMENT**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, JEDIDIAH ISAAC MURPHY, the Defendant in the above styled and numbered causes and hereby elects the jury to hear and assess punishment in this capital prosecution in the event the defendant is found guilty of a lesser included offense, or to the offense or offenses less than capital.

**Respectfully submitted,**


  
**JANE LITTLE**  
State Bar No. 12424210  
  
**MICHAEL BYCK**  
State Bar No. 03549500  
Assistant Public Defenders  
Public Defender's Office  
133 N. Industrial Boulevard  
Suite C-1., LB 2  
Dallas, Texas 75207  
(214) 653-3552

00362

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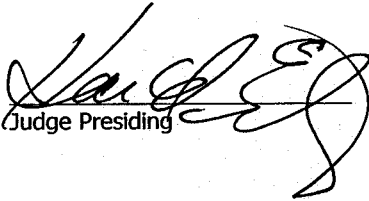
**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Assistant District Attorney of Dallas County by personal delivery on the same date of filing herewith.

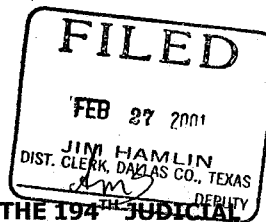
  
\_\_\_\_\_  
Jane Little

**ORDER**

**ON THIS DATE** came on to be heard the foregoing Defendant's Motion, and the Court, after due deliberation, holds that the motion is ~~[GRANTED]~~ [DENIED], to which action of the Court the defendant respectfully excepts].

  
\_\_\_\_\_  
Judge Presiding

CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



THE STATE OF TEXAS	§	IN THE 194 <sup>TH</sup> JUDICIAL
VS.	§	DISTRICT COURT OF
JEDIDIAH ISAAC MURPHY	§	DALLAS COUNTY, TEXAS

**MOTION FOR APPOINTMENT OF APPELLATE ATTORNEY PRIOR TO TRIAL**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, JEDIDIAH ISAAC MURPHY, the Defendant in the above-styled and numbered causes, by and through his attorneys of record, and moves this Court pursuant to the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution, Article I, Sections 9, 10, 13, and 19 of the Texas Constitution, and Article 26.05 of the Texas Code of Criminal Procedure for the appointment of an appellate attorney prior to trial in order to aid and assist Defendant's trial attorneys in this Capital Murder litigation. Defendant requests that this appointment be made before trial so that certain issues, required by Federal legislation in capital appeals, can be timely and properly raised. In support of said motion Defendant would show:

**I.**

Defendant is an indigent charged by indictment with capital murder in cause numbers F00-02424-M and F00-23910-M. Defendant is represented by appointed counsel and has no money or assets of his own which could be used to hire an attorney.

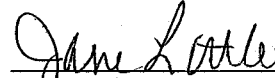
00364

**II.**

If denied such assistance, Defendant will be deprived of a fair trial and the rights secured by the constitutional and statutory provisions aforecited.

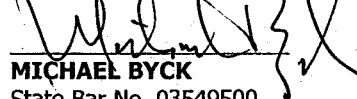
**WHEREFORE, PREMISES CONSIDERED,** Defendant prays that this Motion be in all things granted and funds authorized by the Court for the payment of expert assistance in said causes.

Respectfully submitted,



**JANE LITTLE**

State Bar No. 12474210



**MICHAEL BYCK**

State Bar No. 03549500

Assistant Public Defenders

Public Defender's Office

133 N. Industrial Boulevard

Suite, C-1, LB 2

Dallas, Texas 75207

(214) 653-3550

**AFFIDAVIT**

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this date personally appeared Jane Little, attorney of record in the above-styled and numbered causes, who upon her oath does hereby swear and affirm upon her personal knowledge that all statements of fact contained in the foregoing Motion are in all respects true and correct.

Jane Little  
Jane Little

STATE OF TEXAS  
COUNTY OF DALLAS

SUBSCRIBED AND SWORN BEFORE ME, the undersigned Notary Public, on this the 27<sup>th</sup> day of February, 2001.

My Commission Expires:

4/26/01



D. J. Lonon  
Notary Public in and for the  
State of Texas.

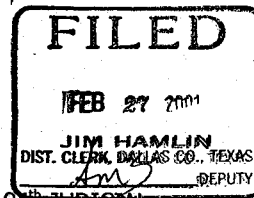
**ORDER**

On \_\_\_\_\_, the Court having considered the above and foregoing Motion for Expert Assistance finds the same is hereby  
**GRANTED / DENIED.**

\_\_\_\_\_  
Judge Presiding

00366

CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



STATE OF TEXAS                               §               IN THE 19<sup>th</sup> JUDICIAL  
  
VS.   §               DISTRICT COURT  
  
JEDIDIAH ISAAC MURPHY                   §               DALLAS COUNTY, TEXAS

MOTION TO ALLOW INCARCERATED DEFENDANT ACCESS TO A HOT MEAL  
TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Defendant in the above-styled and numbered causes,  
by and through his attorneys of record, and moves this Court for an order  
allowing him access to a hot meal while incarcerated, and in support thereof,  
would show:

I.

Defendant is incarcerated in the Dallas County Jail and is being brought to  
Court each day, beginning March 2, 2001, for voir dire examination. This requires  
he be fed a cold bologna sandwich at lunch each day. On most days he is  
returned to his cell after the evening meal has been served, requiring that he be  
fed a cold sandwich. It is anticipated that voir dire will last several weeks. To  
deprive Defendant of a daily hot meal for that length of time constitutes cruel  
and unusual punishment.

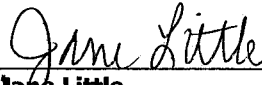
00367

II.

Defendant requests that he be permitted a daily hot meal, either at midday or evening during the time he is in trial for the above referenced matter.

**WHEREFORE, PREMISES CONSIDERED,** the Defendant respectfully prays that the Court grant this motion and enter an order granting him access to a daily hot meal during the days he is in Court in the above referenced matter and for such other relief as the Court deems appropriate.

Respectfully submitted,

  
**Jane Little**  
State Bar No. 12424210

  
**Michael Byck**  
State Bar No. 03549500  
Assistant Public Defenders  
Public Defender's Office  
133 N. Industrial Blvd.  
Suite C-1, LB 2  
Dallas, Texas 75207  
(214) 653-3550  
Attorneys for Defendant

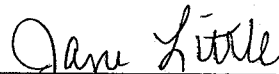
00368

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CERTIFICATE OF SERVICE

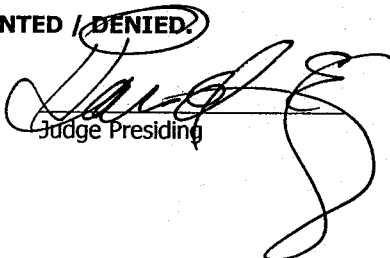
I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Dallas County District Attorney's Office by personal delivery on the same date of filing herewith.

  
Jane Little

ORDER

On the 6-04-09 the Court having considered the above and

foregoing Motion finds the same is hereby **GRANTED / DENIED.**

  
Judge Presiding

**CAUSE NO. F00-02424-M**  
**CAUSE NO. F00-23910-M**

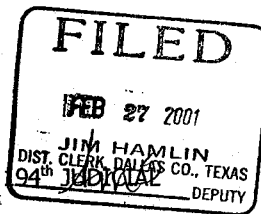
STATE OF TEXAS	§	IN THE 194 <sup>th</sup> JUDICIAL
VS.	§	DISTRICT COURT
JEDIDIAH ISAAC MURPHY	§	DALLAS COUNTY, TEXAS

**ORDER FOR HOT MEAL**

The Court hereby orders appropriate personnel of the Dallas County Sheriff's Department to provide Defendant Jedidiah Isaac Murphy (BNO 00089253) with access to a hot meal, either at midday or evening, on those days when the Defendant is in Court in the above-styled and referenced matter.

\_\_\_\_\_  
Judge Presiding

CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



STATE OF TEXAS                               §           IN THE  
  
VS.   §           DISTRICT COURT  
  
JEDIDIAH ISAAC MURPHY                   §           DALLAS COUNTY, TEXAS

**MOTION TO ALLOW INCARCERATED DEFENDANT ACCESS TO SHAVING**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Defendant in the above-styled and numbered causes, by and through his attorneys of record, and moves this Court for an order allowing him access to shave while incarcerated, and in support thereof, would show:

I.

Defendant is incarcerated in the Dallas County Jail and is being brought to Court each day, beginning March 2, 2001, for voir dire examination. This requires he exhibit good hygiene each day. He is only allowed to shave on Saturdays; this not adequate to meet his shaving needs. It is anticipated that voir dire will last several weeks.

II.

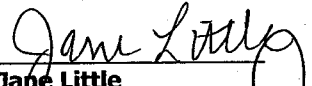
Defendant requests that he be permitted to shave three times a week during the time he is in trial for the above-referenced matter.

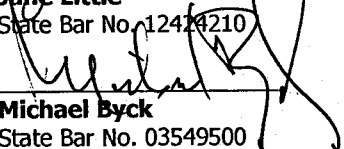
00371

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**WHEREFORE, PREMISES CONSIDERED,** the Defendant respectfully prays that the Court grant this motion and enter an order granting him access to shave during the days he is in Court in the above referenced matter and for such other relief as the Court deems appropriate.

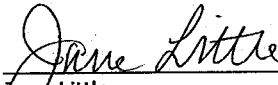
Respectfully submitted,

  
**Jane Little**  
State Bar No. 12424210

  
**Michael Byck**  
State Bar No. 03549500  
Assistant Public Defenders  
Public Defender's Office  
133 N. Industrial Blvd.  
Suite C-1, LB 2  
Dallas, Texas 75207  
(214) 653-3550  
Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Dallas County Assistant District Attorney by personal delivery on the same date of filing herewith.

  
**Jane Little**

**ORDER**

On the 6-04-01, the Court having considered the above and foregoing Motion finds the same is hereby **GRANTED** / DENIED.

  
Judge Presiding

**CAUSE NO. F00-02424-M**  
**CAUSE NO. F00-23910-M**

STATE OF TEXAS	§	IN THE 194 <sup>th</sup> JUDICIAL
VS.	§	DISTRICT COURT
JEDIDIAH ISAAC MURPHY	§	DALLAS COUNTY, TEXAS

**ORDER FOR SHAVING**

The Court hereby orders appropriate personnel of the Dallas County Sheriff's Department to provide Defendant Jedidiah Isaac Murphy (BNO 00089253) with access to shave, on those days when the Defendant is in Court in the above-styled and referenced matter.

\_\_\_\_\_  
Judge Presiding

NOS. F00-02424-M AND F00-23910-M

STATE OF TEXAS

VS.

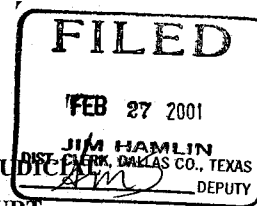
JEDIDIAH ISAAC MURPHY

\*

\*

\*

IN THE 194<sup>TH</sup> JUDICIAL DISTRICT COURT  
DALLAS COUNTY, TEXAS



**MOTION TO ORDER THE STATE TO DECIDE WHETHER TO MAKE A  
CHALLENGE FOR CAUSE OR PEREMPTORY STRIKE BEFORE  
DEFENDANT MUST DECIDE WHETHER TO MAKE A CHALLENGE FOR  
CAUSE OR PEREMPTORY STRIKE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Defendant in the above-styled and numbered cause, by and through his attorney of record, and requests the Court to order the State to announce whether it is going to make a challenge for cause or peremptory strike against a prospective juror before the Defendant announces his decision about whether to make a challenge for cause or peremptory strike against the juror. In support of this motion, Defendant would show:

I.

Article 35.13 of the Texas Code of Criminal Procedure declares that a prospective juror shall be "passed for acceptance or challenge first to the State and then to the Defendant. Challenges to jurors are either peremptory or for cause."

II.

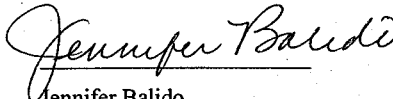
In Bigby v. State, 892 S.W.2d 864 (Tex. Crim. App. 1994), the Court of Criminal Appeals held that this statute requires challenges to be made in the following order: (1) State's challenge for cause; (2) State's peremptory strike; (3) Defendant's challenge for cause; (4) Defendant's peremptory strike. A party can make either type of challenge at any time before he passes a juror to the other side for questioning or after the voir dire of a juror is completed, but the order of the challenges for cause and peremptory strikes should never vary.

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WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that the Court grant this motion and order the State to announce its decision to make a challenge for cause or peremptory strike against a prospective juror before the Defendant announces his decision to make a challenge for cause or peremptory strike against the venireperson.

Respectfully submitted,



Jennifer Balido  
Public Defenders Office  
133 N. Industrial Blvd., LB 2  
Dallas, Texas 75207  
(214) 653-3550  
State Bar No. 10474880

ATTORNEY FOR DEFENDANT

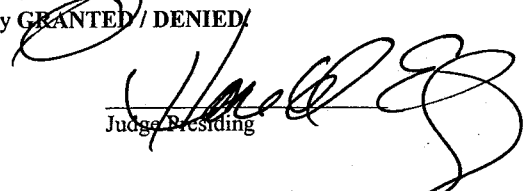
CERTIFICATE OF SERVICE

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Dallas County District Attorney's Office by personal delivery on the same date of filing herewith.



ORDER

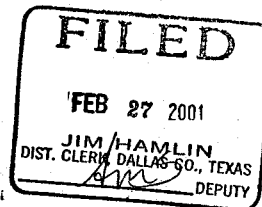
On the 6-04-01, the Court having considered the above and foregoing Motion finds the same is hereby GRANTED / DENIED /



Judge Presiding



CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



THE STATE OF TEXAS                   §           IN THE 194<sup>TH</sup> JUDICIAL  
VS.                                       §           DISTRICT COURT OF  
JEDIDIAH ISAAC MURPHY           §           DALLAS COUNTY, TEXAS

**DEFENDANT'S MOTION REGARDING THE SUBMISSION OF INDIVIDUAL  
JURORS FOR CHALLENGE FOR CAUSE IN VOIR DIRE PROCEEDINGS**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**NOW COMES, JEDIDIAH ISAAC MURPHY**, an individual charged with Capital Murder in the above styled and numbered causes and respectfully request the honorable trial court to observe the following procedures in the individual voir dire under Article 35.17 (2):

**I.**

When, after voir dire questioning of a prospective Capital Murder juror by either State or Defense, grounds for challenge for cause arise, under either Federal or State Constitutional provisions or State statutory provisions, either side unobtrusively and quietly inform the court of such ground and or reasons for a challenge for course submission of the juror:

1. outside the presence and observation of the juror
2. outside the hearing and awareness of the juror

**II.**

That the court hear, on the record, apart from the prospective juror's presence and awareness, and rule appropriately or allow further specific questions by either side or address the juror regarding the area of challenge for cause. That the prospective juror be unaware of the party making the challenge for cause, and an objective and neutral inquiry of the area of challenge be explored with a view to discover the venireman's honest and unaffected opinions and feelings is the sole purpose of this motion.

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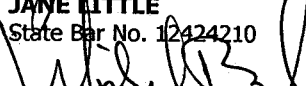
**III.**

The aforementioned procedure would protect the defendant's rights to a fundamentally fair jury selection and his rights to due process of law under the 4, 5, 6, 8 and 14 Amendments to the U.S. Constitution and Article I § 10, 13, 15 and 19 of the Texas Constitution.

For the afore-stated grounds and reasons the Defendants prays this motion the granted.

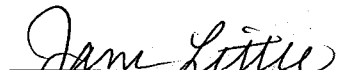
Respectfully submitted,

  
**JANE LITTLE**  
State Bar No. 12424210

  
**MICHAEL BYCK**  
State Bar No. 03549500  
Assistant Public Defenders  
Public Defender's Office  
133 N. Industrial Boulevard  
Suite C-1., LB 2  
(214) 653-3550  
Dallas, Texas 75207

**CERTIFICATE OF SERVICE**

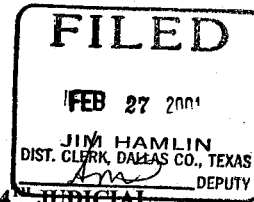
I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Assistant District Attorney of Dallas County by personal delivery on the same date of filing herewith.

  
**JANE LITTLE**

00378

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F00-02424-M and F00-23910-M



STATE OF TEXAS

\*

IN THE 194<sup>TH</sup> JUDICIAL

VS.

\*

DISTRICT COURT

JEDIDIAH ISAAC MURPHY

\*

DALLAS COUNTY, TEXAS

**MOTION TO QUESTION VENIREMEN REGARDING MITIGATING  
EVIDENCE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Defendant in the above-styled and numbered cause, by and through his attorney of record, and requests that counsel be permitted to voir dire prospective jurors about mitigating evidence. In particular, Defendant requests that his attorney be permitted to question prospective jurors about whether, if they were to be required to assess punishment in a capital murder case, they could consider or would be willing to consider, at least in some cases, the following types of evidence in mitigation of punishment:

1. A capital defendant's relative youth at the time of the crime;
2. The fact that a capital defendant was intoxicated at the time of the crime;
3. The fact that a capital defendant suffers from a medically-diagnosed form of mental or emotional illness;
4. The fact that a capital defendant is mentally retarded or suffers brain damage;
5. The fact that a capital defendant was abused or neglected as a child;
6. The fact that a capital defendant has exhibited positive character traits, such as having engaged in acts of kindness towards family members;
7. The fact that a capital defendant may have played a relatively minor role in the offense compared to others;
8. Any residual or lingering doubts a juror might harbor concerning the defendant's guilt;
9. Any acceptance of responsibility or remorse on the part of the Defendant

00379

/4)

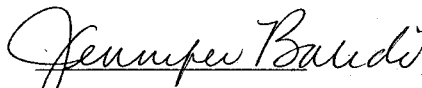
10. Any other relevant mitigating factor that would tend to militate in favor of a life sentence rather than a death sentence.

Defendant believes that such questions would not require a prospective capital juror to "commit" to returning a life sentence if any or all of the foregoing types of mitigating evidence were in fact introduced at trial. Nor does Defendant intend for prospective jurors to "commit" that they will assign any particular mitigating weight to such evidence if it were introduced at trial. Rather, Defendant merely wishes to inquire into whether prospective jurors could "consider" such evidence, at least in some cases, in mitigation of punishment, assuming it was introduced and jurors in fact believed that such mitigating factors were found to exist.

Defendant recognizes that the Texas Court of Criminal Appeals has recently held that such questions are improper during a capital voir dire. See, e.g., Coleman v. State, 881 S.W.2d 344, 350-51 (Tex. Crim. App. 1994); Hood v. State, No. 71,167 unpublished slip op at 7-8 & nn. 1-4 (Tex. Crim. App. Nov. 24, 1993). Defendant also realizes that the Court of Criminal Appeals has likewise held that if such questions are in fact asked by the defense and a prospective juror states that he "could" or "would" not "consider" any particular type of evidence as "mitigating", that prospective juror is not eligible to be removed for cause. Robertson v. State, 871 S.W.2d 701, 712-13 & n.13 (Tex. Crim. App. 1993); Allridge v. State, 850 S.W.2d 471, 481-82 (Tex. Crim. App. 1991); Johnson v. State, 773 S.W.2d 322, 330-31 (Tex. Crim. App. 1989); Cuevas v. State, 733 S.W.2d 175 (Tex. Crim. App. 1987).

Defendant believes that these cases were erroneously decided. In particular, Defendant believes that the Eighth and Fourteenth Amendments to the United States Constitution require all members of a capital sentencing jury to at least be willing and able to "consider" any and all types of constitutionally relevant mitigating evidence in mitigation of punishment. See Eddings v. Oklahoma, 455 U.S. 104 (1982); Morgan v. Illinois, 112 S.Ct. 2222 (1992). Therefore, such questions are proper ones during a capital voir dire. Furthermore, to deny a capital defendant the right to question prospective jurors about whether they could "consider" such mitigating evidence would violate Defendant's rights to effectively exercise his peremptory challenges and effective assistance of counsel under the Sixth Amendment to the United States Constitution, as well as Article I, Sections 10 and 15 of the Texas Constitution.

Respectfully submitted,




Jennifer Balido  
Public Defenders Office  
133 N.Industrial Blvd.,LB 2  
Dallas, Texas 75207  
(214) 653-3550  
State Bar No. 10474880

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Dallas County District Attorney's Office by personal delivery on the same date of filing herewith.



ORDER

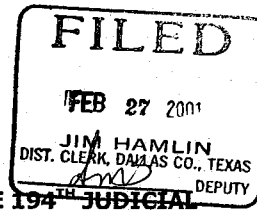
On the \_\_\_\_\_, the Court having considered the above and foregoing Motion finds the same is hereby **GRANTED / DENIED**.

\_\_\_\_\_  
Judge Presiding

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CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



STATE OF TEXAS                               §           IN THE 194<sup>TH</sup> JUDICIAL  
VS.   §           DISTRICT COURT  
JEDIDIAH ISAAC MURPHY                   §           DALLAS COUNTY, TEXAS

**MOTION TO QUESTION VENIREMEN REGARDING THE BURDEN OF  
PROOF ON THE MITIGATION SPECIAL ISSUE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Defendant in the above-styled and numbered causes, by and through his attorneys of record, and makes this Motion to Question Veniremen Regarding the Burden of Proof on the Mitigation Special Issue, and as grounds therefore would respectfully show as follows:

**I.**

Defendant contends that the State has the burden of proof on the special issue dealing with mitigation. That is, the Defendant contends that the answer to the issue must be "yes" unless and until the State proves beyond a reasonable doubt that there are no mitigating circumstances which would justify a life sentence rather than a death sentence. The Defendant requests permission to voir dire each and every venireman to assure that the venireman can follow the law in this regard. These questions are submitted to demonstrate that such questioning would be appropriate and would be designed to elicit information from the venireman so that the Defendant can intelligently exercise his peremptory challenges as well as have effective assistance of counsel. To these matters the Defendant is entitled on the basis of the Sixth Amendment to the United States Constitution, as well as Article I, Sections 10 and 15 of the Texas Constitution.

**II.**

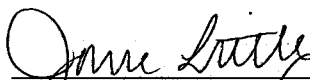
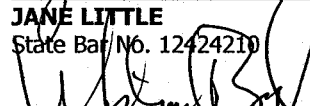
Specifically, the Defendant would ask each and every juror the following questions:

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1. Could you hold the State to it's burden of proof beyond a reasonable doubt in answering the special issue regarding mitigation?
2. Do you agree with the law that requires the State to satisfy you, beyond a reasonable doubt, that there is not sufficient mitigating evidence to justify a life sentence, rather than a death sentence?
3. Whether you agree with the law or not could you follow that law?

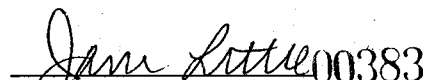
**WHEREFORE, PREMISES CONSIDERED**, the Defendant requests the opportunity to voir dire each and every venireman on the above-listed questions. The questions are necessary to render effective assistance of counsel and to allow the Defendant to intelligently exercise his peremptory challenges.

Respectfully submitted,

  
**JANE LITTLE**  
State Bar No. 12424210  
  
**MICHAEL BYCK**  
State Bar No. 03549500  
Public Defenders Office  
133 N.Industrial Blvd.,LB 2  
Dallas, Texas 75207  
(214) 653-3550

**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Dallas County District Attorney's Office by personal delivery on the same date of filing herewith.

  
**JANE LITTLE** 00383

**ORDER**

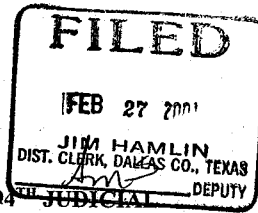
On the \_\_\_\_\_, the Court having considered the above and foregoing Motion finds the same is hereby **GRANTED / DENIED.**

\_\_\_\_\_  
JUDGE PRESIDING

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F00-02424-M AND F00-23910-M

THE STATE OF TEXAS

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IN THE 194<sup>TH</sup>

V.

DISTRICT COURT OF

JEDIDIAH ISAAC MURPHY

DALLAS COUNTY, TEXAS

**MOTION TO VOIR DIRE VENIREMAN  
ON VICTIM CHARACTER/IMPACT TESTIMONY**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Defendant, J. Murphy, by and through his attorneys of record, and makes this his Motion to Voir Dire Venireman on Victim Character/Impact Testimony, and as grounds therefor would respectfully show as follows:

**I.**

The Defendant anticipates the State will offer various family members of the complainant to testify about the character of the complainant and the effect of his death. Without waiving the previous objection to that testimony, the Defendant contends that he should be allowed to voir dire on the venireman's ability to consider this testimony as it relates to the special issues that the jury must answer in the punishment phase of the trial.

**II.**


Specifically, the Defendant would ask each and every juror the following questions:

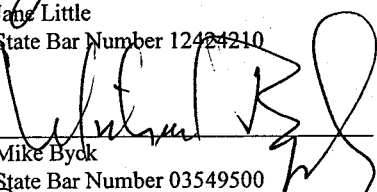
1. To which special issues do you believe the victim related testimony would be relevant?
2. How is it relevant to that particular issue?
3. Would you consider this victim testimony in your deliberations on guilt?
4. Would this victim testimony cause you to reduce the State's burden of proof at either

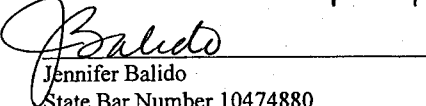
guilt or punishment? Could you promise me it would not do so?

WHEREFORE, PREMISES CONSIDERED, Defendant requests the opportunity to voir dire each and every venireman on the above-listed questions. The questions are necessary to render effective assistance of counsel and to allow the Defendant to intelligently exercise his peremptory challenges, because the Court of Criminal Appeals has specifically held that victim related evidence is relevant to rebut the defense mitigation evidence and is irrelevant to the continuing threat special issue.

Respectfully Submitted,

  
Jane Little  
State Bar Number 12424210

  
Mike Byck  
State Bar Number 03549500

  
Jennifer Balido  
State Bar Number 10474880

ATTORNEYS FOR DEFENDANT

Dallas County Public Defender's Office  
133 N. Industrial Blvd., LB 2  
Dallas, Texas 75207  
214-653-3550

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing Motion was served on the District Attorney of Dallas County by personal delivery on the same date of filing herewith.

  
\_\_\_\_\_  
JANE LITTLE

F00-02424-M AND F00-23910-M

THE STATE OF TEXAS

V.

JEDIDIAH ISAAC MURPHY

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IN THE 194<sup>TH</sup> JUDICIAL

DISTRICT COURT OF

DALLAS COUNTY, TEXAS

ORDER ON DEFENDANT'S MOTION TO VOIR  
DIRE VENIREMAN ON VICTIM CHARACTER/IMPACT TESTIMONY

On this \_\_\_\_ day of \_\_\_\_\_, 2000, came on to be heard the Defendant's  
Motion to Voir Dire Venireman on Victim Character/Impact Testimony, and after due consideration,  
the Court is of the opinion, and it is hereby ORDERED, that said Motion is:

\_\_\_\_\_ GRANTED

\_\_\_\_\_ DENIED, to which ruling Defendant timely excepts.

SIGNED this the \_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
JUDGE PRESIDING

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CAUSE NUMBERS F00-02424-M AND F00-29310-M

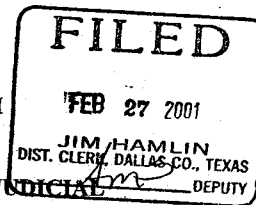
THE STATE OF TEXAS

V.

JEDIDIAH ISAAC MURPHY

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IN THE 194<sup>TH</sup> JUDICIAL  
DISTRICT COURT OF  
DALLAS COUNTY, TEXAS



**MOTION FOR DISCOVERY OF INFORMATION REGARDING  
PRIOR JURY SERVICE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Defendant, by and through his counsel and files this his Motion for Discovery of Information Regarding Prior Jury Service and in support of thereof would show the following:

I.

The Defendant has reason to believe and does believe that the Dallas County District Attorney's Office has certain written or otherwise recorded information which reflects the prior jury service in Dallas County, Texas of prospective jurors on the jury panel in this case. This information contains the type of case the juror served on, the verdict (guilty or not guilty or hung jury) reached, what punishment, if any, was imposed, and an opinion of the district attorney that tried the case as to whether or not the individual juror was "good, bad, or fair" as well as other comments. Such information is available to the Dallas County District Attorney's Office for its examination and utilization in screening the individual prospective jurors present on the panel in this case.

II.

In support of this motion, the Defendant states that the information requested contains information material to the matters involved in the present action and constitutes a material factor in the preparation of this defense by counsel for the Defendant. More specifically, the Defendant would show the Court as follows:

1. Such information concerning past jury service, which is available to and referred to by the Dallas County District Attorney's Office, is not available to the Defendant and his counsel. This information is available on the Dallas County Computer System, but is only accessible to members of the Dallas County District Attorney's Office. This information is necessary and material to counsel for the Defendant in order to preserve the just administration of criminal laws and to insure the Defendant a fair trial under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, Article I, §§ 10, 15, and 19 of the Texas Constitution, and Article 1.04, 1.05 and 36.29 of the Texas Code of Criminal Procedure.
2. This information does not constitute the work product of any attorney representing the State of Texas in this case or their investigators, nor does it represent the State's notes or reports concerning this cause or the written statements of any witness, and are therefore discoverable under Article 39.14 of the Texas Code of Criminal Procedure. Texas Courts have held that notes made by counsel during trial are privileged work product, *Salazar v. State*, 795 S.W.2d 187 (Tex. Crim. App. 1990), *Franklin v. State*, 986 S.W.2d 349 (Tex. App.-Texarkana, no pet), *Salazar v. State*, 795 S.W.2d 187 (Tex. Crim. App. 1990), *Poindexter v. State*, 942 S.W.2d 577 (Tex. Crim. App. 1990). Defendant, however, does not seek to see the notes made by counsel during trial, but rather the rating and commentary regarding the juror's prior service. This information is gathered after the jury has rendered its verdict and the prosecutor has an opportunity to hear their verdict and subsequently speak to jurors after they have been discharged from their service.

Additionally, Texas Courts have forced the State to turn over privileged work product at times when the Court deemed necessary in the interest of justice. See *Franklin v. State*, 986 S.W.2d 349 (Tex. App.-Texarkana, no pet), *Salazar v. State*, 795 S.W.2d 187 (Tex. Crim. App. 1990), *Poindexter v. State*, 942 S.W.2d 577 (Tex. Crim. App. 1990).

3. The information which is solely available to the prosecution is absolutely necessary and material to counsel for the defense to properly prepare for trial. The denial of said motion denies the Defendant a fair and impartial trial as guaranteed by Article I §§ 10, 15 and 19 of the Texas Constitution, Article 1.04, 1.05 and

36.29 of the Texas Code of Criminal Procedure, and the Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States.

4. The prior jury service information is not subject to cross-examination by the opposing attorney or the trial judge for determination of whether the opinion is based on race, ethnicity, or sex as required by *Batson v. Kentucky*, 476 U.S. 79 (1986). Reliance upon such information by the prosecution in this case would therefore violate the Defendant's right to a fair trial under Article I §§ 10, 15, and 19 of the Texas Constitution, Article 1.04, 1.05, and 36.29 of the Texas Code of Criminal Procedure, and the Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States.

The Dallas Court of Appeals has held that denying the defendant the right to question the prosecutor who has rated the potential juror as a "bad juror" in the past deprives the defendant of the opportunity to develop evidence that the State's race neutral explanations were untrue or pretextual, if they were. *Bausley v. State*, 997 S.W.2d 313, 317 (Tex. App.-Dallas 1999, no pet.); *See also Yarborough v. State*, 947 S.W.2d 892, 906 (Tex. Crim. App. 1997) (Baird, J., dissenting). In *Bausley*, the prosecutor at trial testified that the jury list "was run" by an investigator for the Dallas County District Attorney's Office and could not explain why the juror was rated "bad" because he did not participate in that previous trial. The Court of Appeals found that **the only way** the defendant could have shown in the *Batson* hearing that the State's rating was racially biased was by questioning the prosecutor who previously rated the juror. *Bausley v. State*, 997 S.W.2d at 318. Further, the Dallas Court of Appeals criticized the Dallas District Attorney's Office for using such a rating system:

We do not condone the use of a list by the prosecutor that gives no explanation for its categorization of previous jury experience or criteria for inclusion on the list or in a particular category. The use of this list too easily allows the possibility of misuse by an unscrupulous prosecutor wishing to circumvent the *Batson* issue.

*Bausley v. State*, 997 S.W.2d at 318; *See also Webb v. State*, 840 S.W.2d 543, 545-46 (Tex. App.-Dallas 1992, no pet.) (citing *Ivatury v. State*, 792 S.W.2d 845, 848 (Tex. App.-Dallas 1990, pet. ref'd).

Further, attached to this motion and incorporated herein as Defendant's Exhibit A is an affidavit of Chris Styron, Investigator for the Dallas County Public Defender's Office and former investigator for the Dallas County District Attorney's Office. Ms. Styron states that in her capacity as an investigator with the District Attorney's office, she routinely received lists of potential jurors from the prosecutor and "ran" the names through the County computers with the use of a special code. She would then determine whether there was a record of that juror previously serving on a jury and whether the prosecutor in that previous case had

rated the juror as "good", "fair" or "bad" and made any other comments regarding that juror. Additionally, she states that the names of the prosecutors who tried the prior case and the prosecutor who picked the jury are included on the database and are thus available for discovery and that person or those persons can be subpoenaed to testify in a *Batson* hearing, if needed..

Moreover, attached to this motion and incorporated herein as Defendant's Exhibit B is a number of newspaper articles from *The Dallas Morning News* regarding: a now former prosecutor's demotion after running afoul of a district judge's rulings in a *Batson* hearing and the pattern of exclusion of minorities from jury service in criminal cases, especially capital murder/death penalty cases. These articles establish that at certain times during the past twenty years, anecdotal and statistical evidence belies a pattern of discrimination against certain recognizable groups under *Batson* and its progeny.

5. Defendants in criminal trials constitute a class of individuals, specifically a minority group, and as such, are within the provision of the Civil Rights Act of 1964 and to allow the State of Texas the sole use and advantage of the requested information would violate the provisions of the above act, the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and Article I, §§ 10, 15, and 19 of the Texas Constitution.
6. This information, being available only to the prosecution during the selection of the jury and denied to the defendant, constitutes a material advantage to the State of Texas, which cannot be overcome by the Defendant. Said deprivation of rights violates the right of the Defendant to a fair trial under the Due Process Clause of the United States Constitution and the Due Course of Law Clause of the Texas Constitution.
7. This information was accumulated by personnel and equipment whose salaries and expenses are being paid by public funds, both state and federal; therefore, to deny the Defendant equal access to this material would be a denial of the Equal Protection Clause of the Fourteenth Amendments to the Constitution of the United States.
8. Information collected by the prosecution during the jury selection, trial and verdict of the potential juror's prior jury service has been recorded and disclosed to other members of the District Attorney's Office in violation of Article 35.29 of the Texas Code of Criminal Procedure.
9. The information collected by the prosecution is not part of "pending litigation" and should not be afforded the protection of any confidentiality that inures itself to investigative notes, memos, etc under the Work Product Doctrine.



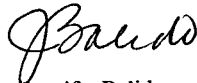
10. The information subject to this motion has also been requested by Defendant from Dallas County District Attorney's Office through the vehicle of a formal Public Information Act request served upon the Dallas County District Attorney's Office on February 19, 2001, and is attached to this motion and incorporated herein as Defendant's Exhibit C. On February 22, 2001, Larissa Roeder of the Appellate Section of the District Attorney's Office informed Defendant's Counsel that their office would be seeking an Attorney General's Opinion on Defendant's request and would not expect an opinion from the Attorney General before the statutory 45 days. Defendant would argue that, by that time, Defendant's rights would be violated to a point that no remedy could cure the violation.

III.

Defendant prays that this Court order that the State of Texas not to use any information collected in the manner described above in its evaluation of potential jurors in this case, unless and until it can and will provide such information to Defendant or his counsel. Additionally, since the General Voir Dire portion of Defendant's trial begins in this case on March 2, 2001, and by statute, all parties to the case will have the names and personal information of all of the jury panelists two days preceding that day, Defendant prays that this Court immediately enjoin the State of Texas from attempting to "run" the names of potential jurors through their computer's juror history database unless and until this Court has had a full hearing on this matter and enters relevant findings of fact and conclusions of law in this case.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that this Court consider the issues raised in this Motion, hold a hearing regarding those issues, and grant his Motion in all things.

Respectfully Submitted,



Jennifer Balido  
Public Defender's Office  
133 N. Industrial, LB 2  
Dallas, Texas 75207

**CERTIFICATE OF SERVICE**

I hereby certify that I personally hand-delivered to Greg Davis, Assistant District Attorney a copy of the foregoing motion on the date of filing herewith.

  
Jennifer Balido

**ORDER**

The foregoing motion is hereby \_\_\_\_\_ (granted/denied), this the \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Judge Presiding

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**AFFIDAVIT OF FACT**

**COUNTY OF DALLAS**

**STATE OF TEXAS**

Before me appeared Chris Styron, who is a person who is known to me, and having been sworn upon oath, makes the following statement:

My name is Chris Styron and I am over 18 years old and of sound mind and body. I am currently an Investigator for the Dallas County Public Defender's Office. From December 1989 to September of 1999, I was an investigator for the Dallas County District Attorney's Office. As part of my duties as an Investigator for the District Attorney's Office, I routinely received lists of potential jurors from the prosecutor I worked with, and I "ran" the names through the County computers with the use of a special code. I would then determine whether there was a record of that juror previously serving on a jury and whether the prosecutor in that previous case had rated the juror as "good", "fair" or "bad" and made any other comments regarding that juror. I would include that information on the list of potential jurors the prosecutor provided to me and then return it to that prosecutor for use in exercising their peremptory strikes. The juror service history database also includes the names of the prosecutor who tried the case and the prosecutor who picked the jury.

Chris Styron  
Chris Styron

SWORN, upon oath, before me this the 27<sup>th</sup> day of February, 2001



D. J. Lonon  
Deborah J. Lonon  
Notary Public

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Dallas Morning News Archives

<http://archive.dallasnews.com/cgi-bin/d...News%26publishingDocID%3d19860501N00048>

## **Jury Debate<P>Questions arise in Dallas County DA race about Sparling's manual on picking jurors**

By Steve McGonigle  
Published 05-01-1986

From the day Jon Sparling announced his candidacy for Dallas County district attorney last November, the former prosecutor has been answering questions about a 1969 manual in which he advised against selecting minorities as jurors.

The questions arose again Wednesday when U.S. Supreme Court Justice Thurgood Marshall mentioned Sparling's manual in a concurring opinion to a decision by the high court to outlaw the exclusion of jurors because of race.

Marshall cited the Sparling manual as evidence of his contention that the misuse of peremptory challenges -- objections which allow lawyers to dismiss jurors without explanation -- has become so flagrant and widespread throughout the country that the challenges should be abolished.

Sparling praised the high court's majority decision and said he did not interpret Marshall's opinion as a criticism of him because it was made in reference to something he wrote as a junior prosecutor 17 years ago.

"It sort of de-politicizes the issue, and sort of lays it to rest," he said.

Sparling also repeated his belief that the manual is not a major issue with Republican primary voters, whom he says are more concerned with which candidate will be the most effective prosecutor in fighting crime.

Still, questions about the manual have arisen in almost every media interview, and even when they have not been raised at Republican candidate forums, Sparling's opponent, John Vance, has mentioned the manual in his stump speech.

Democratic candidate Royce West even asked Sparling about the manual on the witness stand in a capital murder trial in an attempt to show the manual reflected a policy of the district attorney's office.

West's actions, in turn, prompted charges of political opportunism from his two Democratic opponents, Peter Lesser and John Allison. West and Allison have also been accused by Lesser of endorsing the manual by not condemning it earlier.

Lesser said he is counting on the jury selection issue to help distinguish him as the candidate who believes the district attorney's office is in need of change. He contended that West and Allison showed support for the manual by supporting incumbent Henry Wade's reelection in 1982.

"For them to get up and parrot the line they've been parroting makes them hypocrites in my

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*Defence Exhibit B*  
*RA1*

Dallas Morning News Archives

<http://archive.dallasnews.com/cgi-bin/d...News%26publishingDocID%3d19860501N00048>

opinion,' Lesser said. "They're hypocrites and they're cowards because they didn't do anything when it counted.'

West and Allison dismiss Lesser's charges as desperation tactics, contending that they have never supported discriminatory jury selection procedures.

Vance supporters acknowledge the jury selection paper has been the subject of an active "whisper campaign' against Sparling. They predict the impact of that campaign will make for a tight race in Saturday's GOP primary.

Sparling, who has said throughout his campaign that the manual reflected the attitudes of a different era, remains confident of victory, believing that primary voters will view him as best-suited to fight the rising crime rate.

"I probably haven't had a question -- outside of news media and TV talk shows -- in two months about jury selection,' he said. "Believe it or not, probably the biggest question is what is the DA going to do about the crime problem.'

Even Vance supporters concede that Sparling's high-profile media campaign has been effective at portraying Sparling as the best person to succeed Wade, who is retiring after 36 years in office.

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Dallas Morning News Archives

<http://archive.dallasnews.com/cgi-bin/d...News%26publishingDocID%3d19861221N0005>

## A PATTERN OF EXCLUSION<P>Blacks rejected from juries in capitalcases

By Ed Timms, Steve McGonigle / 1986, The Dallas Morning News  
Published 12-21-1986

### DISCRIMINATION IN JURIES

For all 15 men tried for capital murder in Dallas County since 1980, prosecutors got what they wanted: the death penalty and overwhelmingly white juries.

Of the 180 Dallas jurors who condemned those men, only five were black. There were 57 other blacks legally qualified to serve on the juries, but prosecutors barred 56.

The prosecutors' use of peremptory challenges -- dismissing potential jurors without having to give a reason -- meant that nine of every 10 blacks qualified for the capital murder juries were excluded. That pattern of racial bias, widespread throughout Texas, is described by one black former prosecutor as "the most dangerous kind of discrimination, because it is oftentimes camouflaged with legal cliches."

Prosecutors say blacks routinely are excluded from juries because many are soft on defendants, perhaps as a result of their historical distrust of the criminal justice system.

Such exclusion in Dallas County meant that four of the five blacks sent to death row were tried by all-white juries. Two of those, in fact, Larry Smith and Michael Wayne Evans, were executed by lethal injection this year after twice being tried and convicted by all-white juries.

The only black allowed to pass judgment against another black was one who told prosecutors that Texas' form of execution -- lethal injection -- was too humane. "It's too quick," he testified. "They don't feel the pain."

These are among the findings of an ongoing investigation by The Dallas Morning News examining jury selection in Dallas and 14 other Texas counties. The analysis included a review of the records of 133 of 232 inmates on death row as of Aug. 1.

The 15 counties, which accounted for almost 60 percent of inmates on death row, represented major geographic regions and included the five largest metropolitan areas in the state. In counties whose black population amounted to at least 10 percent, the investigation also found evidence of racial discrimination in jury selection.

In Dallas County capital murder cases since 1980, blacks had a 1-in-12 chance of being selected as jurors, compared to a 1-in-3 chance for whites and a 1-in-4 chance for Hispanics.

Capital cases, which carry mandatory life sentences or the death penalty, are limited to murders of law enforcement officers or slayings committed in the course of certain other felonies, including robbery, rape and kidnapping.

Several legal experts and community leaders say the findings show that peremptory challenges are being used by prosecutors as tools of discrimination against defendants facing

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Dallas Morning News Archives

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the most visceral decision of criminal justice -- execution.

Frank Williams, criminologist with the Criminal Justice Center at Sam Houston State University in Huntsville, analyzed The News' findings. The probability that blacks were eliminated by chance is "1-in-10,000," he said.

State District Judge Larry Baraka, Dallas' first black felony prosecutor, said The News' findings reaffirm his conclusion that race is the primary reason prosecutors use peremptory challenges to bar blacks.

"Knowing Dallas County and knowing the DAs' practices, I know that's what they're doing."

Jack Boger, assistant counsel for the NAACP Legal Defense Fund, said the findings establish a pattern:

"The minority community is being told that it doesn't count as much in the criminal justice system. . . . They certainly don't count as jurors and they're being told they need not apply, or if they apply, they will not be, in effect, hired as jurors."

In a series of articles published last March, The News documented virtually the same pattern of discrimination in 100 randomly selected felony trials in Dallas County.

In April, a landmark U.S. Supreme Court decision, *Batson v. Kentucky*, prohibited the use of peremptory challenges in a racially discriminatory manner, saying such practices undermined "public confidence of our system of justice." In a concurring opinion, Supreme Court Justice Thurgood Marshall cited The News' findings as an example of "systematic exclusion" that violated the 14th Amendment guarantee of due process under the law.

Henry Wade, Dallas County's district attorney for 36 years, said he did not know the specific reasons his prosecutors excluded blacks in capital cases. Wade speculated these blacks were not seated as jurors because prosecutors believed them to be sympathetic toward defendants.

Wade said his office has tried to impanel more blacks on juries in the past five to 10 years. "But I don't believe in putting someone on there just because he's black," Wade said. "I want someone on there who's going to vote for the state."

Assistant District Attorney Norman Kinne, who has tried 11 capital cases, more than any other prosecutor on Wade's staff, suggested that most blacks were excluded because they expressed reservations about the death penalty.

Kinne said prosecutors have not intentionally selected all-white juries. "It's just the way things fell," he said.

While The News' analysis revealed a pattern of prosecutors barring blacks, blacks themselves also shoulder some of the responsibility for the prevalence of all-white juries in capital cases.

Potential jurors in capital cases are screened individually by both prosecutors and defense attorneys. If during the questioning, they state they cannot be impartial, the judge dismisses them for "cause." After screening, each side has 15 peremptory strikes that allows it to cut potential jurors without explanation. The first 12 remaining are impaneled as jurors.

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B, p 4

Dallas Morning News Archives

<http://archive.dallasnews.com/cgi-bin/d...News%26publishingDocID%3d19861221N0005>

In Dallas County, blacks are three times more likely than whites to be excused for cause after saying they cannot assess the death penalty, The News' inquiry showed.

In Harris County, only 8 percent of the jurors in capital cases were black. But blacks there were more likely to hear the cases of other blacks; 65 percent of black defendants had at least one peer on his jury, by far the highest percentage among the 15 counties examined by The News.

Almost 80 percent of the black inmates on death row from the remaining 14 counties faced all-white juries.

"Never in the history of the state of Texas has a white person been sent to death by an all-black jury," said Harris County Justice of the Peace Al Green, president-elect of the Houston branch of the NAACP. "It has never been done. . . . Somehow we've come to accept the notion that it's all right for a black defendant to be put to death by an all-white jury." John Fearance and Ronald Curtis "Buffalo" Chambers are two of the three surviving black inmates on death row from Dallas County. Counting retrials, both have been tried and convicted twice by all-white juries.

"There's no justice to it," Fearance said from behind a heavy mesh screen at the Texas Department of Correction's Ellis I Unit near Huntsville. Fearance was convicted of the 1978 stabbing death of an East Dallas man while burglarizing his house.

"They have their mind made up," he said. "They've already tried you before they've actually tried you."

Chambers, on death row for the 1975 slaying of a Texas Tech University student during an abduction-robbery, said prosecutors didn't want to take a chance at justice.

"You're sitting there and you start seeing only white people going on the jury, right? Well if you're a black dude, and you see all these white people that are going to be on your jury -- the judge, too -- you want somebody who can understand you."

Houston lawyer Percy Foreman has, by his own estimation, tried more death penalty cases than anyone. He believes that, given the same evidence, a black is more likely to be sentenced to death than a white.

The reason, Foreman asserts: "Racial prejudice on the part of the jurors."

Beaumont lawyer Gaylyn Leon Cooper, the first black felony prosecutor in Jefferson County, believes black jurors mitigate racist impulses.

"The black juror won't go in and say, 'Well, you know how these people are,' or 'I'm afraid of these people,'" Cooper said.

Minority representation on capital murder juries also is seen as a way to ensure that mitigating circumstances are at least considered.

"If you're in a death penalty case and you've got a black kid who grew up . . . in the ghetto,

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and was fatherless, and you've got 12 middle-class, white jurors, you've got nobody on that jury who by definition can identify with your client,' said Dennis Boskey, former legal director of Southern Poverty Law Center in Montgomery, Ala.

State Sen. Craig Washington, a Houston defense lawyer, said the secret deliberations of 12 white jurors sends a negative message to the minority community.

"If I'm outside the door when the decisions are being made, I'm suspicious of the decision,' Washington said. "If you're being fundamentally fair and your decision is right, then you shouldn't mind me watching it being made.'

The Rev. Zan Holmes, pastor of Dallas' St. Luke Community Methodist Church and a former Texas legislator, said blacks more often are crime victims than whites. "Blacks have a lot at stake in the criminal justice system and want to see justice done.'

For more than 20 years, the same U.S. Supreme Court decision that condemned the use of peremptory challenges "to deny the Negro the same right to participate in the administration of justice,' in practice gave prosecutors free rein.

Defense lawyers complained that Swain v. Alabama demanded an unattainable standard of proof; the ruling permitted the use of peremptory challenges in individual cases, and required documentation of systemwide discrimination.

But under the guidelines of the Batson decision in April, if a defense lawyer shows evidence of "purposeful racial discrimination' during a single trial, prosecutors can be compelled to prove they didn't use their peremptory challenges solely to exclude blacks.

The debate now centers on the application of Batson in actual courtroom situations. Prosecutors say it contradicts the traditional intent, which allowed a person to be excused without explanation.

Defense attorneys contend the ruling can easily be circumvented.

"A lot of time is going to be wasted because the prosecutor can always come up with some other reason that would appear equally valid,' explained Houston lawyer Donald W. Rogers Jr.

There is a wide gap between knowing peremptory challenges are being used racially and proving it, according to John Paul Davis, Jefferson County's first black prosecutor and now a municipal judge in Beaumont.

"The subtleties of discrimination within the criminal justice system are the most dangerous kind of discrimination, because it is often times camouflaged with legal cliches,' he said. "Lawyers can always use one word when they want to use another.'

However many lawyers believe Batson can be used to curb prosecutors' use of peremptories along racial lines.

"A good, articulate prosecutor who actually chooses (jurors) on methods other than race will have no problem with Batson,' said Dallas lawyer Richard Alan Anderson. "If you've got a

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prosecutor who's obviously choosing on a racial basis and is just trying to make excuses to justify that . . . then you're going to catch those folks.'

University of Iowa law professor David C. Baldus, a nationally known expert in capital murder trials, suggests that lessons learned in job discrimination suits might be applied to jury selection.

In those cases, employers have been found liable for rejecting minority job applicants whose lawyers proved they had the same characteristics as whites who were hired.

Prosecutors who have been successful after picking all-white juries are not likely to change their formula. And that formula, many defense lawyers claim, was etched in an era of segregation and passed blindly to a new, more enlightened generation that nevertheless is practicing age-old discrimination.

"The practice that's been going on in that courthouse ever since I've been involved in it -- as both a prosecutor and a defense attorney -- is that you just don't question success,' said Brad Lollar, president-elect of the Dallas County Criminal Bar. "They've been picking their juries that way forever . . . and it's always worked.'

Lollar, a Dallas County prosecutor for four years before going into private practice, said no one "necessarily . . . came up to me and said directly, "Don't take a black on a jury.' It wasn't that obvious.

"What we were told to do was go around and watch how the experienced prosecutors did things. And it didn't take a Rhodes scholar to figure out that one thing they were all doing was excluding minorities from the jury.'

For Houston lawyer James Stafford, who has appealed the selection of an all-white jury in a capital murder case, the irony is that many blacks eliminated are "probably a lot stronger state's jurors than some of the white people.'

While The News' study showed a higher percentage of blacks on Harris County capital murder juries than on Dallas juries -- 8 percent versus 3 percent -- prosecutors there nonetheless used peremptory challenges to strike more than 90 percent of the black potential jurors.

Harris County District Attorney Johnny Holmes said his prosecutors do not use peremptory challenges solely because of race, but added: "I don't know if we can divorce race from individual philosophies of the potential juror.'

Holmes argues that many blacks perceive the judicial system still tainted by historical experiences of racial prejudice and injustice.

"I still get a rap sheet every now and then on a black defendant and somewhere earlier in his arrest career, it shows "black man walking in a white neighborhood.' Now, when you have been subjected to that, or you know people who have, or your family members have . . . it makes one a little bit skeptical of the system.'

And that skepticism, Holmes said, might be reflected in "some type of turn-the-other-cheek

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punishment' for a capital murder defendant.

Houston lawyer Carolyn Garcia, who has handled the appeals of several death row inmates, disagrees. She points out that blacks who are removed with peremptory challenges already have sworn they can follow the law. And she fears that the exclusion of blacks from juries is creating yet another disenfranchised generation.

"You can never get off the treadmill of negative experiences," she said. "The only way to break that cycle is to invite those people into that system."

Dennis Boskey, a Montgomery, Ala., lawyer who specialized in capital murder cases, described Holmes' position as a form of double jeopardy.

"You're saying, 'Well, we beat you over the head then and now we're going to kick you off the juries because we beat you back then,'" Boskey said.

The search for the ideal juror frequently leads prosecutors and defense lawyers along different routes. They look at a disparate assortment of intangibles to guide them, from how a potential juror looks and how much money he makes to the kinds of books he reads.

"You want a guy with roots in the community," explained Kinne, who teaches other Dallas County prosecutors how to select juries in capital murder cases. "Usually he has some sort of responsible position that he's held for a number of years. None of his close family or friends has been involved in crime or spent time in the penitentiary. He has a basic understanding of the law . . . and doesn't have any disagreement with any of the law."

Dallas defense attorney Mike Byck, who defended Chambers and two others on capital murder charges, says each side has its own criteria for jurors.

"The district attorneys want a bunch of jack-booted, marching fascists to sit on a capital murder jury," Byck said. "I want a bunch of yuppie, knee-jerk, no-backbone liberals to sit on my jury because I don't want them to kill my man. They want them to kill the guy."

Jurors on Texas capital cases once were required to swear that the potential outcome -- either death or life imprisonment -- would not affect their deliberations. Those who could not were excused from jury duty for cause.

But in 1980, the U.S. Supreme Court ruled that only individuals who say they cannot assess the death penalty under any circumstances can be excused for cause. The case, *Adams v. Texas*, involved a Dallas County defendant tried for killing a police officer.

In *Adams*, Supreme Court justices concluded: "To exclude all jurors (for cause) who would be in the slightest way affected by the prospect of the death penalty . . . would be to deprive the defendant of the impartial jury to which he or she is entitled under the law."

Some legal scholars, as well as Supreme Court Justices William Brennan and Thurgood Marshall, claim prosecutors are abusing the same constitutional rights protected in *Adams*.

Brennan, in a recent dissenting opinion, wrote that using peremptory challenges to exclude everyone with reservations about capital punishment creates a "hanging jury."

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Many blacks in Dallas express some reservations about the death penalty, yet are kept in the jury pool after saying they could assess death in some circumstances. Kinne said those potential jurors are the ones prosecutors are told to strike with peremptory challenges.

"We teach (prosecutors) that if someone expresses doubts about his ability to follow the law, then you get rid of him," Kinne said. "If it turns out that they're black, that's just how it falls."

Dallas lawyer Royce West, a black former prosecutor and recent Democratic candidate for district attorney, said he doubts Kinne's explanation of why blacks have been excluded.

"I know, based on my experience not only as a prosecutor but as a defense lawyer, that black people are just as interested in justice and making sure that individuals who don't belong on the street stay off the street."

A review of trial transcripts in the 15 Dallas County capital cases showed that 33 of the 56 blacks struck by prosecutors voiced reservations about the death penalty. The remaining 23 stated they could assess the death penalty.

Beneath the exacting legal minutiae, the criminal justice system is fueled by the same stereotypes held by the community at large.

In a 1969 speech that later was incorporated into a statewide training manual for prosecutors, former Dallas County Assistant District Attorney Jon Sparling emphasized that minorities "almost always empathize with the accused" and do not make good jurors.

That perception, says defense lawyer Byck, is evident today in prosecutors' jury selection in capital cases.

"I get the impression that they use a racial stereotype much the same, and literally it almost comes out of the Jon Sparling manual where blacks, Jews, well-educated women are too sensitive, too equivocating, too whatever to put on a capital murder jury," Byck said.

Gaynelle Jones, a black Harris County felony prosecutor, said eliminating people who aren't likely to be receptive to the prosecutor's case -- regardless of their race -- is just common sense.

"I just can't see myself stacking the cards against me," said Ms. Jones.

Said John Paul Davis, the Jefferson County municipal judge: "I do believe to some extent blacks tend to be more inclined not to be spoonfed by the prosecution. They tend to be a little more independent. . . . In fact, I think that makes them more valuable on a jury."

Davis said that while blacks are chosen for some juries, they are "habitually excluded from juries when blacks are defendants, which smacks of the fiercest kind of racism."

Of the four death row cases from Jefferson County examined by The News, one inmate is white, the others black. The News' analysis showed that one black juror was impaneled in the white defendant's trial; the three blacks were sentenced to death by all-white juries.

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"We look at who will enforce the law as we see it, and who won't," said Jefferson County District Attorney James S. McGrath. "More blacks, through my experience, would be against, or weaker on, the death penalty than other groups. We may be influenced to that extent."

However, McGrath said, his prosecutors never have "systematically excluded" any ethnic or racial group.

"We're cognizant of the fact that certain groups of people make the best jurors," he said. "If you want a fine jury, get yourself 12 Germans on there, and you're going to fly. Statistically, German people are more strict in law enforcement than any group that we know of."

Beaumont lawyer Cooper, a former assistant on McGrath's staff, said he was never told not to let blacks on a jury, but felt some pressure.

"Any time a jury came back with what was less than considered to be the appropriate punishment from a prosecutorial point of view, then a reason had to be attached," he said. "And I might be asked, 'How many blacks were on the jury?'"

John Vance, who will succeed Wade Jan. 1 as Dallas County district attorney, said he intends to record the race of each prospective juror in felony trials, and will personally question any prosecutor whose use of peremptory challenges appears to be racially motivated.

In Tarrant County, a written policy prohibits the systematic exclusion of minorities from juries. Juries that convicted four to death row were examined by The News -- three were all-white, the fourth, which convicted a black defendant, included one black juror.

Tarrant County District Attorney Tim Curry said many minorities are "weak on capital punishment" and excused with peremptory challenges for that reason.

Dallas lawyer Mel Bruder, who represented Randall Dale Adams, the defendant in Adams, notes that peremptories also eliminate individuals who won't be fair to the defendant, and warns against too vigorous an attack on their use.

"If you don't like them because they're being used in some discriminatory manner, then they'll have to be abolished," Bruder said. "And I think that would be a greater disservice to the defendants than having them, and allowing the state to strike people who are . . . weak."

Prosecutors argue that their first responsibility is to get a conviction and find the jurors who will give it to them.

Troy Woods was the only black juror in the 15 Dallas County capital murder trials involving a black defendant. His views on the death penalty were unwavering during jury selection.

"What I call punishment is back to the old Indian days," he said. "Pour some honey on them and stake them out over an antbed. . . . That's what I call punishment."

Woods, 46, was a juror in the trial of Thomas Joe Miller-El, who was sentenced to death in March for the robbery-murder of an Irving motel clerk.

By the time a trial begins, said Holmes, the Houston district attorney, "We've resolved any

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doubt about the guilt of the accused in our hearts -- this is a guilty son of a bitch and we're trying to find somebody who's going to put him in the pen.'

Sammie Lee Parker was one of four blacks whose opposition to the death penalty kept him from serving on the all-white Dallas jury in 1985 that tried Ronald Curtis Chambers and sentenced him to death.

"I guess the main reason that I'm against the death penalty . . . is maybe 80 or 90 percent of the time there is a black man involved,' Parker testified.

"I am not defending them, because I know we do wrong like everybody, but I think the black man normally gets the tail end of (the) deal.'

Parker's view is shared by many who claim that blacks historically have received harsher treatment from a jury system that has excluded them.

For that reason, many blacks mistrust the legal system. Almost half the blacks summoned for jury service in Dallas County were excluded by the judge because of their stated opposition to the death penalty.

"Minorities correctly realize . . . that they have little chance at the courthouse, or at least that they're running behind,' said Corpus Christi lawyer Doug Tinker, an authority on jury selection in capital trials. "They go down there and they're scared to death. They're like a rabbit in the headlights of a car.'

George C. Wright, director of Afro-American studies at the University of Texas, believes blacks and whites see the law differently: "The whites see the law as the protectors. Black people see it as the oppressor.'

In 1924, when Texas began using the electric chair for executions, the first four inmates seated -- all in one night -- were black. From 1924 through 1964, 504 defendants were sentenced to death; 63 percent of the 361 defendants actually executed were black.

The last to die in the Texas electric chair -- on July 30, 1964 -- was 27-year-old Joseph Johnson Jr., a Houston black convicted of murder.

Because of several factors, executions in Texas were interrupted from 1964 to 1981: anticipation of a U.S. Supreme Court ruling on the constitutionality of the death penalty; a sweeping 1972 Supreme Court decision that overturned potentially discriminatory state laws; and appeals that tested Texas' capital punishment law passed in 1973.

On Dec. 7, 1982, in Huntsville, Charlie Brooks Jr., a Fort Worth black convicted of killing a car dealer, became the first inmate to be executed by lethal injection in the nation.

Fort Worth lawyer Danny Burns unsuccessfully appealed Brooks' conviction, arguing that the Texas death penalty was "a disproportionately severe and excessive punishment . . . being imposed pursuant to a pattern of racial, economic, and sexual discrimination.'

Statewide application of the death penalty echoes the pattern in Dallas County. Since 1924, 17 whites and 40 blacks from Dallas County have been executed.

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Five whites and 17 blacks from Dallas County have been executed during Wade's tenure as district attorney. Ten of the blacks were executed before 1964 for what are no longer capital offenses -- nine for rape and one for robbery with a firearm.

Gerald Goldstein, general counsel for the Texas Civil Liberties Union, said the attitude among many blacks against the death penalty should surprise no one.

"It should come as no shock to us any more than if we went to Spain after the Inquisition and could find the few Jews left and ask them what they thought," Goldstein said. "I imagine they would have some problems with the system at that point."

Houston lawyer Ron Mock, a black, believes the solution to a cycle of skepticism -- one that makes blacks distrust the system and the system mistrust them -- can't be written in the law.

"My changes would involve . . . the hearts and minds of people as a whole to see each other as a brother as equal folks under the law," he said.

"Those are the things you'd have to change. You'd have to change ordinary people. That's the problem."

1.GRAPH (Credit:DMN \* Source:DMN) DEATH PENALTY CASES: RACIAL MAKEUP OF JURIES BY COUNTY 2.CHART (No credit given) RACIAL

COMPLEXION OF DEATH ROW INMATES, JURIES 3.PHOTO (Credit:DMN-Jan

Sonnenmair) John Fearance looks out of a cage that "dangerous" inmates

are kept in during interviews. 4.PHOTO (Credit:DMN-Jan Sonnenmair)

Clarence Brandley is on death row after an all-white jury in Conroe

convicted him of killing a white girl. 5.GRAPH (Credit/Source:DMN) FEW

BLACKS SELECTED FOR DALLAS DEATH PENALTY TRIALS 6.GRAPH (Credit/Source:

DMN) POTENTIAL DALLAS DEATH PENALTY CASE JURORS EXCUSED FOR CAUSE 7.

PHOTO (Credit:DMN-Jan Sonnenmair \* This Photo ran in the BULLDOG

Edition ONLY) Calvin Williams, a Houston man on death row, was

convicted by an all-white jury. 8.GRAPH (Credit/Source:DMN \* This

Graph ran in the BULLDOG Edition ONLY) CHANCES OF SERVING IN DALLAS

DEATH PENALTY TRIALS, BY RACE ; LOCATION: Graphs - NR. Photos: 1. -

2. Oversize Black/White File. 3. Prisons & Prisoners - Texas.

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## **Prosecutor broke no law in juror strikes, DA says<P>Onlywhites impaneled in black woman's case**

**By Holly Becka / Staff Writer of The Dallas Morning News**  
Published 02-18-1999

A Dallas County prosecutor accused of trying to keep blacks off a jury in a murder trial did not violate the law or commit any other wrongdoing, the district attorney's office said Wednesday.

A state district judge asked District Attorney Bill Hill to look into the matter after becoming concerned about the prosecutor's motives for not using all of her allotted strikes.

Defense attorney John Read contends prosecutor Gina Clark used nine strikes instead of her full 10 in an effort to keep the last qualified black juror from being seated on the jury.

He said he raised the nonstrike issue the morning after an all-white jury had been seated because his client, a black woman accused of killing another black woman, expressed concern over the jury makeup.

Mr. Read, who used all of his strikes, said he realized overnight that a black juror would have been seated if prosecutors had used their 10th strike.

After questioning Ms. Clark, state District Judge Lana McDaniel declared a mistrial and quashed the jury. Jury selection has been rescheduled for Monday.

"It was a strike without using a strike," Mr. Read said Wednesday. "It was pure tactics to keep a black off the jury."

Mike Carnes, Dallas County first assistant district attorney, said it was impossible to not use a strike as a tactic to keep someone off the jury.

"The nonuse of a strike is not something that can be calculated accurately," he said. "The strikes are exercised at the same time, exclusive of each other. So, one side doesn't know how many strikes or which strikes have been exercised by the other side" until they go over them before the judge "because there's no way to read the other side's mind."

Lawyers say it isn't unusual for the state or defense to not use each of its 10 strikes, which can be employed for reasons other than the prospective juror's sex, race, national origin or religion. The Supreme Court decision on Batson vs. Kentucky made it illegal to strike jurors because of race or ethnic background.

Mr. Carnes said a 1991 Tarrant County criminal appeals case backs Ms. Clark's actions. In Hamel vs. Texas, the appeals court found "the state has no duty to use all of [its] strikes merely because there are minority members of the panel farther down the jury list. . . . To hold otherwise would require the state to explain its reasons for failing to strike jurors, which neither the state nor the accused felt should be removed."

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Judge McDaniel said she went to Mr. Hill after she became concerned about Ms. Clark's responses to her questions about not using the state's 10th strike.

Judge McDaniel said Ms. Clark hesitated for long periods before answering, "waffled" on answers or did not directly reply, asked for a recess and then offered to exchange a white juror for the black juror who had been sent home.

"If you had been in the courtroom that morning, there would have been no question in anybody's mind why she couldn't answer my question with an outright 'No, I did not exercise that 10th strike in an effort to keep an African-American juror off the jury,'" Judge McDaniel said.

In a transcript of their exchange, Ms. Clark said her main intention was to use her strikes, not avoiding doing so to eliminate the black juror.

"So your answer is no, you did not" decline to use the 10th strike to keep the black juror off? Judge McDaniel asked.

"For the most part, yes," Ms. Clark replied.

The judge said Ms. Clark's "for the most part" qualification particularly raised a red flag. Ms. Clark deferred comment to Mr. Carnes.

Judge McDaniel, a 12-year Dallas County prosecutor before becoming a judge, said she normally avoids publicity but felt she needed to explain why she quashed the jury and went to Mr. Hill.

"When I asked Ms. Clark that question . . . I fully expected her to say, 'We only used nine because there were only nine people we wanted to strike, and the fact that she was an African-American juror in no way entered into our consideration,'" the judge said.

"That's not the answer I got, and that's why I was stunned. I thought, 'Oh, my goodness, this is not good.'"

Mr. Carnes, speaking for Mr. Hill, said his office decided Ms. Clark had acted properly after reviewing the transcript and case law and speaking to the judge and prosecutor.

Mr. Carnes also disputed Mr. Read's contention that the court transcript proves his claims.

Mr. Read said he told Dallas County Commissioner John Wiley Price about the incident in light of Mr. Hill's comments only weeks ago at a luncheon with black community leaders.

Mr. Price said Wednesday that he was satisfied with Mr. Hill's handling of the investigation. He said the district attorney's personal involvement, his explanation about the case law and his assurances that Ms. Clark did not act improperly "spoke volumes."

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## **DA not questioning prosecutor in ex-coach's sex assault case<P>Office backs actions leading to dismissal of charges**

**By Holly Becka / Staff Writer of The Dallas Morning News**  
Published 07-16-1999

Top officials in the district attorney's office say they won't second-guess the handling of the trial of a Mesquite High School coach after their lead prosecutor had to dismiss his sexual assault charges.

First Assistant District Attorney Mike Carnes said Thursday that his office is reviewing Michael Edward Marsh's trial but that officials had confidence in prosecutor Gina Clark's abilities.

Mr. Carnes said Dallas County authorities would continue the investigation of Mr. Marsh and that he could face other charges.

On Wednesday, after one day of testimony, prosecutors dropped sexual assault and indecency with a child charges that Mr. Marsh faced after his accuser gave conflicting testimony and a judge ruled that Ms. Clark could be called as a defense witness.

The girl, now 16, said Mr. Marsh had sex and other improper contact with her from October through February in a school field house while he was a track coach and world history teacher. Defense attorneys contended that the girl concocted the allegations and was fixated on Mr. Marsh.

Mr. Carnes said the cases were dismissed not because prosecutors doubted the girl's credibility but because they respected her wishes not to proceed.

"Gina had my authorization to continue with the trial, and she had my authorization to dismiss the case," he said. "She made a call, I think, that was meant to protect the victim."

Mr. Marsh's attorney, Tom Pappas, said he believes the dismissals were forced by the girl's many inconsistencies in sworn testimony and statements she made before the trial to Ms. Clark and Child Protective Services caseworkers.

"Because of the nature of the charges and of his position, things moved so rapidly that nobody realized the emotional and credibility problems this girl really had," Mr. Pappas said. "I think whoever would have dealt with this kid was going to have trouble with her as a witness."

Mr. Carnes said part of the review takes into account other allegations that have surfaced about Mr. Marsh.

"Since there's still some possibility for other criminal charges, I just don't think it's appropriate to comment," Mr. Carnes said. "I don't want one case to affect the other."

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Mr. Pappas said his client is focused on regaining a normal life and that he believes he could successfully defend Mr. Marsh against any new charges.

"We've gone back through their accusations, and Mr. Marsh stands ready to defend himself and his reputation if needed," Mr. Pappas said. "We're comfortable in our ability to do that."

Mesquite police said they were disappointed with the turn of events that led to the dismissals. Investigators were confident in the case they built against Mr. Marsh over four months, said Sgt. Joel Martin, a school resource officer and department spokesman.

He said police found witnesses that corroborate the girl's allegations.

"Everybody's innocent until proven guilty," he said, "but we wanted the opportunity to present the evidence that we gathered.

"The investigators worked long hours to show that there was a crime. We believe there was. . . We're confident that we would have had a guilty verdict."

Mr. Pappas said Mr. Marsh also had witnesses, including some from Mesquite High School, willing to step forward on his behalf.

Ms. Clark said Thursday that she, too, was disappointed the charges didn't go to the jury but that she wouldn't change anything she did.

"I have no reservations with how I handled the case," she said. "I had confidence in my case. I handled it professionally, and it's unfortunate that it didn't end up in the hands of the jury."

Mr. Carnes said each case must be approached individually and that his office wasn't concerned about choices Ms. Clark made.

"We're not going to Monday quarterback a game that was played yesterday," he said. "We're not going . . . to second-guess a prosecutor's call on what the best approach on a specific case is."

Mr. Pappas said Texas' criminal justice system, as opposed to the civil system, gives attorneys little time to sort through evidence that both sides are required to give the other.

"People have a lot of preconceived ideas about lawyers having this almost omnipotent level of knowledge about what people are going to do and say in a case, and it's not really true on criminal side," he said.

"There are surprises all the time. Everybody does the best they can to do their ethical duty, given what's thrown in their lap the last five minutes."

Staff writer Rick Klein contributed to this report.

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## **Prosecutor is demoted, reassigned<P>Action follows dismissal of ex-coach's sex case**

**By Holly Becka / Staff Writer of The Dallas Morning News**  
Published 07-20-1999

One day after expressing confidence in her, the district attorney's office demoted and reassigned the lead prosecutor forced to drop sexual-assault charges against a former Mesquite High School coach.

Dallas County prosecutor Gina Clark was moved, effective Monday, from chief felony prosecutor in state District Judge Lana McDaniel's court to a second-chair prosecutor's slot in the organized-crime division.

As one of seven "drug court" prosecutors, Ms. Clark will help handle felony cases involving defendants accused of drug-related crimes - including capital murder - and witnesses who primarily are police officers.

District Attorney Bill Hill and First Assistant Mike Carnes declined to comment Monday about Ms. Clark's reassignment.

"Personnel issues are internal matters," Mr. Hill said.

Ms. Clark, a Dallas County prosecutor since 1992, said she would not discuss the change. She was notified of her new assignment Friday.

"Since I'm still employed by the district attorney's office, I'll decline to comment," she said.

She was assigned to Judge McDaniel's court in February, after serving as chief prosecutor in two other state district courts; as assistant chief of the misdemeanor division; and as a prosecutor in the organized-crime and child-abuse sections, according to records.

Mr. Carnes declined to respond to some attorneys' view that Ms. Clark's reassignment did not square with his expression of confidence in her after she had to drop the charges against Michael Edward Marsh.

"I don't think there's anything to be reconciled," Mr. Carnes said.

After one day of testimony, prosecutors dismissed sexual-assault and indecency with a child charges against Mr. Marsh, 34, after his accuser gave conflicting testimony and Judge McDaniel ruled that Ms. Clark could be called as a defense witness.

The girl, now 16, said Mr. Marsh had sex and other improper contact with her from October through February in a Mesquite High School field house while he was a track coach and world history teacher. Mr. Marsh's attorneys contended that the girl made up the accusations and was fixated on him.

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On Thursday, Mr. Carnes said that his office was reviewing what occurred at trial and that new charges against Mr. Marsh were possible. He also stressed that top officials in the district attorney's office would not second-guess Ms. Clark's efforts and were not concerned about her ability as a prosecutor.

Lindsey Roberts, who took over Ms. Clark's post in Judge McDaniel's court, declined to comment Monday, as did chief felony prosecutor Toby Shook, Ms. Clark's former boss and one of five supervising prosecutors.

Prosecutor Gregg Long, Ms. Clark's new supervisor, and Judge McDaniel could not be reached for comment Monday.

The move also follows a February incident in Judge McDaniel's court in which she threw out a jury Ms. Clark helped pick after a defense attorney accused Ms. Clark of purposefully trying to keep a black woman off the panel.

The district attorney's office said then that Ms. Clark did not violate the law or commit any other wrongdoing.

Defense attorney John Read had contended that Ms. Clark used nine strikes instead of her full 10 to keep the last qualified black juror from being seated on what ended up being an all-white jury.

He said he raised the issue after his client, a black woman accused of killing another black woman, expressed concern over the jury makeup.

After questioning Ms. Clark, Judge McDaniel declared a mistrial and quashed the jury, citing concern over the answers Ms. Clark gave when asked about not using all of her strikes.

At the time, Mr. Carnes said it was virtually impossible to not use a strike as a tactic to keep someone off the jury.

00413

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B, p 17



**DALLAS COUNTY**  
Public Defender's Office

February 22, 2001

Larissa T. Roeder  
Assistant District Attorney  
Dallas County District Attorney's Office  
133 N. Industrial, LB 19  
Dallas, Texas 75207

Dear Ms. Roeder:

This letter is to formally request under the Texas Public Information Act, Chapter 552 of the Texas Government Code, any and all information regarding the prior service and/or history of any juror who served on a jury in Dallas County since your office began its practice of keeping such information. Additionally, I request the ranking, if any, of the former jurors as "good", "fair", or "bad", and any other comments regarding that former juror. Finally, I request that the name of the prosecutor or investigator, either current or former employees of the Dallas County District Attorney's Office, who provided the information, ranking, and comments regarding each individual former juror.

What I am NOT requesting is information contained on "Juror Information Cards" that is subject to and governed by article 35.29 of the Code of Criminal Procedure (and therefore the subject of Attorney General Opinion OR2001-0329 issued on January 29, 2001), but rather the information placed into the internal records of the Dallas County District Attorney's Office which includes both personal information about the former juror and the commentary of the prosecutor or investigator regarding their opinion about the prior jury service of that former juror and the name of prosecutor or investigator making such an entry.

I hereby request a place where I could inspect such information and have the ability to copy that information by electronic means. I will, of course, compensate your office for any reasonable expenses incurred to facilitate this request if you first furnish the amount of the expense before it is incurred.

Thank you for your prompt consideration of this matter.

Sincerely,

*Jennifer Balido*

Jennifer Balido  
Assistant Public Defender

cc: The Honorable Harold Entz, 194th Judicial District Court  
Jane Roden, Chief Public Defender

00414

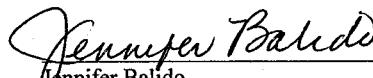
176

*Defendants C, p. 1*

CERTIFICATE OF SERVICE

I hereby certify that I delivered a copy of this request to Larissa Roeder, Assistant District Attorney for Dallas County in the following manners:

- 1) by email on February 19, 2001 (Lroeder@dallascounty.org)
- 2) by hand-delivery on February 22, 2001
- 3) by fax on February 22, 2001 (via 214-653-3643)
- 4) by mail, return receipt requested, on February 22, 2001

  
Jennifer Balido

00415

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PUBLIC DEFENDER

Fax:2146533539

**\*\* Transmit Conf.Report \*\***

P.1

Feb 22 2001 12:18

Telephone Number	Mode	Start	Time	Page	Result	Note
DALLAS DA, APPEL	NORMAL	22,12:16	0'44"	2	* O K	Manual

00416

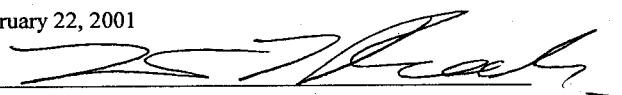
178

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Receipt for Letter From Jennifer Balido, Dallas County Public Defender's Office, by hand-delivery.

Date: February 22, 2001

Signature: 

00417

179

Z 579 885 859

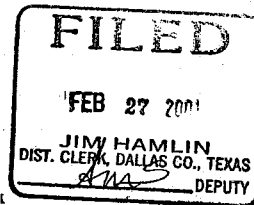
US Postal Service  
**Receipt for Certified Mail**  
No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

Sent to	Larissa Roeder
Street & Number	133 N Industrial LB
Post Office, State, & ZIP Code	Dallas 75207
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

Cp4

CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



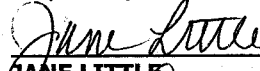
THE STATE OF TEXAS                   §           IN THE 194<sup>TH</sup> JUDICIAL  
VS.   §           DISTRICT COURT OF  
JEDIDIAH ISAAC MURPHY               §           DALLAS COUNTY, TEXAS

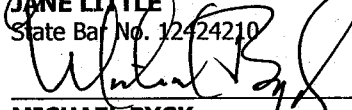
**DEFENDANT'S MOTION FOR INDIVIDUAL VOIR DIRE**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, JEDIDIAH ISAAC MURPHY the defendant, charged with Capital Murder in the above entitled and numbered causes and, prior to the empaneling and swearing of the special venue or panel of jurors called to serve as jurors, and prior to the Honorable Court's qualifications, exemptions, and propounding principles to the hearing of panel, the defendant respectfully demands individual voir dire apart from the entire panel under Article 35.17(2) Tx. C.C.P. prior to the submission of challenges for cause and the exercise of peremptory challenges

Respectfully submitted,

  
JANE LITTLE  
State Bar No. 12424210

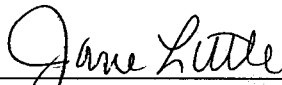
  
MICHAEL BYCK  
State Bar No. 03549500  
Assistant Public Defenders  
Public Defender's Office  
133 N. Industrial Boulevard  
Suite C-1., LB 2  
Dallas, Texas 75207  
(214) 653-3550

00418

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**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Assistant District Attorney of Dallas County by personal delivery on the same date of filing herewith.

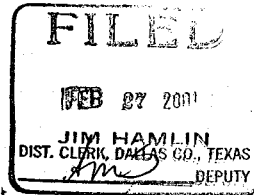
  
\_\_\_\_\_  
Jane Little

**ORDER**

ON THIS DATE came on to be heard the foregoing Defendant' Motion, and the Court, after due deliberation, hold that the motion is [GRANTED] [DENIED, to which action of the Court the defendant respectfully excepts].

\_\_\_\_\_  
Judge Presiding

CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



THE STATE OF TEXAS                   §           IN THE 194<sup>TH</sup> JUDICIAL  
VS.                                       §           DISTRICT COURT OF  
JEDIDIAH ISAAC MURPHY           §           DALLAS COUNTY, TEXAS

**REQUEST TO UTILIZE PEREMPTORY CHALLENGES FOLLOWING  
EXAMINATION OF THE ENTIRE VENIRE**

**COMES NOW**, Jedidiah Isaac Murphy, the Defendant in the above-styled and numbered causes, by and through his attorneys of record, and moves this Court to permit the Defendant to exercise his peremptory challenges to prospective jurors after the examination of the entire panel, and for cause would show the Court that:

**I.**

Article 35.13 of the Texas Code of Criminal Procedure provides:

A juror in a capital case in which the State has made it known it will seek the death penalty, held to be qualified, shall be passed for acceptance or challenge first to the State and then to the Defendant. Challenges to juror are either peremptory or for cause.

**II.**

A plain reading of Article 35.13 reveals that it governs only the **order** of acceptance or challenge, and not **when** that acceptance or challenge must be made. There is no statutory support for an interpretation of this article to bar Defendant's request for a circumspect examination of the entire panel.

**III.**

A defendant in a non-capital case is not required to challenge before the entire panel has been examined, and may make a sensible and circumspect exercise of his peremptory challenges after examination of the entire panel.

00420

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**IV.**

The discretionary and unnecessary application of Article 35.13 to a defendant in a capital case only constitutes a violation of the constitutional rights to equal protection as set forth in the Fourteenth Amendment to the United States Constitution and Article I, § 1,3,3a, and 19 of the Texas Constitution.

**V.**

Requiring a defendant to exercise his peremptory challenges before the entire panel has been examined denies him the right to intelligently exercise these challenges, in violation of his right to effective assistance of counsel, guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and Article I § 10 of the Texas Constitution.

**VI.**

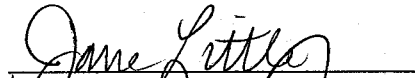
Requiring a defendant to exercise his peremptory challenges before the entire panel has been examined denies him the right to a fair and impartial jury, due process and due course of law, guaranteed by the Texas and United States Constitutions.

**VII.**

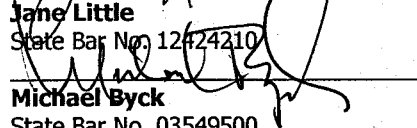
Article 35.13 conflicts with Article 35.15 (d) providing for the selection of alternate jurors.

**WHEREFORE, PREMISES, CONSIDERED**, the Defendant respectfully prays that the Court grant this motion and permit the utilization of the Defendant's peremptory strikes following the qualification of the entire venire.

Respectfully submitted,



**Jane Little**  
State Bar No. 12424210



**Michael Byck**  
State Bar No. 03549500  
Assistant Public Defenders  
Public Defender's Office  
133 N. Industrial Blvd. LB 2  
Dallas, Texas 75207  
(214) 653-3550  
Attorneys for Defendant

00421

1A3

**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Assistant District Attorney of Dallas County by personal delivery on the same date of filing herewith.

  
\_\_\_\_\_  
Jane Little

**ORDER**

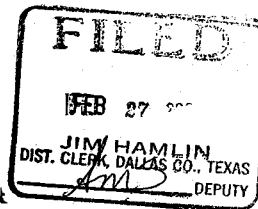
**ON THIS DATE** came on to be heard the foregoing Defendant' Motion, and the Court, after due deliberation, hold that the motion is [GRANTED] [DENIED, to which action of the Court the defendant respectfully excepts].

\_\_\_\_\_  
Judge Presiding

00422

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CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



THE STATE OF TEXAS                   §           IN THE 194<sup>TH</sup> JUDICIAL  
VS.                                       §           DISTRICT COURT OF  
JEDIDIAH ISAAC MURPHY           §           DALLAS COUNTY, TEXAS

**MOTION TO VOIR DIRE ON PAROLE LAW- 40 YEAR MINIMUM**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**COMES NOW**, the Defendant, Jedidiah Isaac Murphy, by and through his attorneys of record, and makes this his Motion to Voir Dire on Parole Law - 40 Year Minimum, and as grounds therefor would show as follows:

**I.**

If the Defendant is convicted of capital murder and sentenced to life imprisonment, he will be required to serve a minimum of 40 calendar years before he will be eligible for parole. The jury has a right to know this information in answering the special issues. The jury will be given this information at punishment pursuant to statute. The Defendant has a right to know how this information will effect the jurors' consideration of the special issues. These questions are necessary in order to allow the Defendant to intelligently exercise his peremptory challenges, as part of his right to the effective assistance of counsel. This request is made on the basis of the Sixth Amendment to the United States Constitution, as well as Article I §§ 10 and 15 of the Texas Constitution and V.A.A.C.C.P. 36.79.

00423

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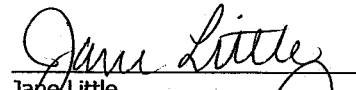
**II.**

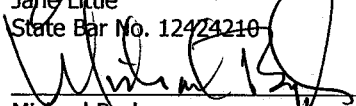
The Defendant would ask the following questions of each venireman:

1. Would the minimum length of time a defendant could serve in prison before he could be paroled be something you would want to know in answering the special issues?
2. On which special issue would this be important?
3. How would this 40-year minimum sentence be important to you in answering the special issues?
4. Would you more likely, or less likely, generally, to view a defendant as a continuing threat to society if you knew he could not be paroled for a minimum of 40 years?
5. What kind of evidence would you expect, as a juror, to help you in considering the 40-year parole ineligibility factor when answering the special issue?

**WHEREFORE, PREMISES CONSIDERED,** Defendant requests that the Defendant be allowed to ask these specific questions of each prospective juror, and any follow-up question which may be necessary based on the venireman's responses.

Respectfully submitted,

  
Jane Little  
State Bar No. 12424210

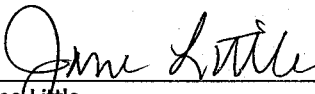
  
Michael Byck  
State Bar No. 03549500  
Assistant Public Defenders  
Public Defender's Office  
133 N. Industrial Blvd.  
Suite C-1, LB 2  
Dallas, Texas 75207  
(214) 653-3550

00424



**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing instrument has been furnished to counsel for the State by hand-delivery of a copy of the same this the 27 day of Feb, 2001.

  
Jane Little

CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M

THE STATE OF TEXAS	§	IN THE 194 <sup>TH</sup> JUDICIAL
VS.	§	DISTRICT COURT OF
JEDIDIAH ISAAC MURPHY	§	DALLAS COUNTY, TEXAS

**ORDER ON DEFENDANT'S MOTION TO VOIR DIRE  
ON PAROLE LAW - 40 YEAR MINIMUM**

On this \_\_\_\_\_ day of \_\_\_\_\_, 2001, came on to be heard the Defendant's Motion to Voir Dire on Parole Law - 40 Year Minimum, and after due consideration, the Court is on the opinion, and it is hereby ORDERED, that said Motion is:

\_\_\_\_\_ GRANTED

\_\_\_\_\_ DENIED, to which ruling Defendant timely excepts.

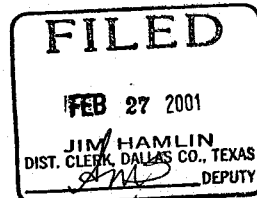
SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Judge Presiding

00426

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CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



STATE OF TEXAS                   §           IN THE 194TH JUDICIAL  
VS.                                   §           DISTRICT COURT OF  
JEDIDIAH ISAAC MURPHY       §           DALLAS COUNTY, TEXAS

**MOTION TO VIDEOTAPE THE INDIVIDUAL VOIR DIRE**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**COMES NOW**, JEDIDIAH ISAAC MURPHY, the Defendant in the above-styled and numbered causes, by and through his attorneys of record, and moves this Court to videotape the individual voir dire and make the tapes part of the record of appeal. In support of this motion, Defendant show:

**I.**

The Defendant, "has a statutory and constitutional right to an 'adequate' appellate record at (the) State's expense" because he is indigent. *Dunn v. State*, 733 S.W. 2d 212, 214 n.3 (Tex. Crim. App. 1987).

**II.**

An adequate record includes a complete record of voir dire. *Austell v. State*, 638 S.W. 2d 888, 890 (Tex. Crim. App. 1982).

**III.**

The record of the individual voir dire will be incomplete and inadequate if it is not videotaped.

**IV.**

An appeal of an adverse ruling on a Batson objection may turn on whether the attire or haircut of one juror was different than the attire or haircut of other venirepersons. See, e.g., Woods v. State, 801 S.W.2d 932, 936-37 (Tex. App. - Austin 1990); Vann v. State, 788 S.W.2d 899, 903-05 (Tex. App. - Dallas 1990).

V.

Counsel cannot seriously be expected to verbally describe the appearance of every juror.

VI.

Moreover, "(t)he manner of the juror while testifying is oftentimes more indicative of the real character of his opinion than his words. That is seen below, but cannot always be spread upon the record" Wainwright v. Witt, 469 U.S. 412, 428 n.9 (1985) (citation omitted).

VII.

Appellate courts compensate for this "lack of clarity of the printed record" by giving great deference to the rulings of "the trial judge who sees and hears the juror." Wainwright v. Witt, 469 U.S. at 426-26.

VIII.

That doctrine was developed over a century ago when the record for an appeal was made with a fountain pen. See Wainwright v. Witt, 469 U.S. at 428 n.9 (citing Reynolds v. United States, 98 U.S. 145, 156-157 (1879)).

IX.

When "advance in scientific knowledge" make a legal practice obsolete, it should be modified to preserve its purpose. Berger v. United States, 388 U.S. 41, 49 (1967).

X.

Rule 11(a) of the Texas Rules of Appellate Procedure requires the court reporter to transcribe her notes of the voir dire upon request for the purposes of insuring as complete a record in criminal proceedings as possible Morris v. State, 411 S.W.2d 730 (Tex. Crim. App. 1967).

XI.

The statute has been interpreted to prohibit the use of a mechanical recording in lieu of a transcript of the reporter's notes if the defendant objected, Soto v. State, 671 S.W. 2d 43 (Tex. Crim. App. 1984), but it does not bar the use of a mechanical recording to supplement the written transcript.

**XII.**

A videotape of the individual voir dire will contribute to the accuracy of appellate review because the Court of Criminal Appeals will be able to see and hear everything that the trial judge did.

**XIII.**

The obsolete practices of relying on a written transcript of the voir dire gives the state an unfair advantage. A competent prosecutor can get almost any prospective juror to equivocate and the slightest vacillation in the written record makes the judge's ruling on a challenge for cause virtually immune to appellate review.

**XIV.**

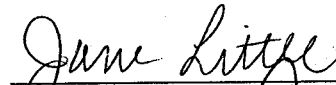
The cost of videotaping the voir dire is minimal.

**XV.**

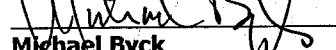
A videotape of the voir dire will not delay or disrupt the trial.

**WHEREFORE, PREMISES CONSIDERED,** the Court should have a videotape of the individual voir dire made and include it in the record for appeal.

Respectfully submitted,




**Jane Little**  
State Bar No. 12424210



**Michael Byck**  
State Bar No. 03549500  
Assistant Public Defender  
Public Defenders Office  
133 North Industrial Boulevard  
Suite C-1., LB 2  
Dallas, Texas 75202  
(214) 653-3550

**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Dallas County District Attorney's Office by personal delivery on the same date of filing herewith.

  
Jane Little

**ORDER**

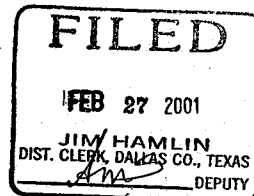
On the \_\_\_\_\_, the Court having considered the above and foregoing Motion finds the same is hereby **GRANTED/DENIED**.

\_\_\_\_\_  
Judge Presiding

00430

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CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



THE STATE OF TEXAS                   §           IN THE 194<sup>TH</sup> JUDICIAL  
VS.                                       §           DISTRICT COURT OF  
JEDIDIAH ISAAC MURPHY           §           DALLAS COUNTY, TEXAS

**MOTION FOR PRODUCTION OF WITNESS STATEMENTS**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, JEDIDIAH ISAAC MURPHY, the Defendant in the above-style and numbered causes, by and through his attorneys of record, and pursuant to the Fifth, Sixth and Fourteenth Amendments to the United States Constitution, Art 1, Sec. 10 of the Texas Constitution, and Art. 39.14, Tex. Code Crim Proc. Ann., respectfully moves this Honorable Court to order the prosecuting attorney to produce, after a witness called by the State has testified on direct examination, the following requested items to wit:

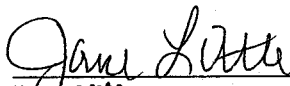
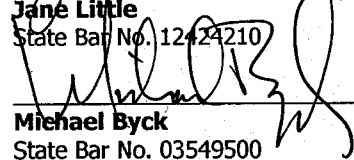
1. Any statement, whether in writing or however recorded, whether signed or unsigned, of any witness called to testify by the State after his direct examination;
2. A transcription of the Grand Jury testimony of any witness called by the State to testify after the witness has completed direct examination;
3. Any document, object photograph, or chart, the contents of which has in any way been placed before the jury by direct examination of witness;
4. Any police report where same is shown to purport to be what the witness observed or did at the time in question and which concerns facts testified to by the witness on direct examination, whether made by the witness or not, as long as the witness has adopted the same as correct.

00431

The Defendant further requests the Court to order the prosecuting attorney to not offer, in the presence of the jury, any of the foregoing statements, documents, charts, photographs, or other requested objects in evidence until their admissibility has been established outside the presence of the jury.

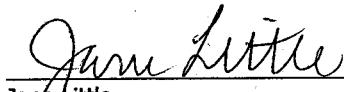
**WHEREFORE, PREMISES CONSIDERED,** it is respectfully requested that this Motion be in all things granted.

Respectfully submitted,

  
Jane Little  
State Bar No. 12424210  
  
Michael Byck  
State Bar No. 03549500  
Assistant Public Defenders  
Public Defender's Office  
133 N. Industrial Boulevard  
Suite C-1., LB 2  
Dallas, Texas 75207

**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Assistant District Attorney of Dallas County by personal delivery on the same date of filing herewith.

  
Jane Little



**CAUSE NO. F00-02424-M**  
**CAUSE NO. F00-23910-M**

<b>THE STATE OF TEXAS</b>	<b>§</b>	<b>IN THE 194<sup>TH</sup> JUDICIAL</b>
<b>VS.</b>	<b>§</b>	<b>DISTRICT COURT OF</b>
<b>JEDIDIAH ISAAC MURPHY</b>	<b>§</b>	<b>DALLAS COUNTY, TEXAS</b>

**ORDER**

On this day, came on to be heard the foregoing Defendant's Motion, and after due consideration, the Court is of the opinion that the same should be and it hereby (GRANTED) (DENIED, to which action of the Court the Defendant excepts.)

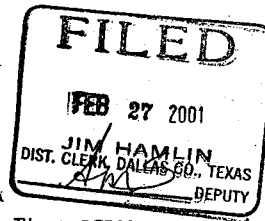
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**Judge**

00433

195

CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



THE STATE OF TEXAS                   §           IN THE 194<sup>TH</sup> JUDICIAL  
VS.                                       §           DISTRICT COURT OF  
JEDIDIAH ISAAC MURPHY               §           DALLAS COUNTY, TEXAS

**MOTION TO SUPPRESS PHYSICAL EVIDENCE**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, JEDIDIAH ISAAC MURPHY, the Defendant in the above-styled and numbered causes, by and through his attorneys of record, and respectfully moves this Honorable Court to hold a hearing on this motion and thereafter suppress any and all evidence seized or obtained as a result of illegal acts on behalf of the State which violated the Defendant's right under the Fourth and Fourteenth Amendments of the Constitution of the United States of America and Article 1, Section 9 of the Constitution of the State of Texas, and Articles 1.06 and 38.23 of the Texas Code of Criminal Procedure. In support of this motion the Defendant would show:

**I.**

That the arrest of the Defendant and search of the Defendant's residence were pursuant to a warrant and affidavit which do not allege sufficient facts to establish probable cause and were, therefore, issued without probable cause in violation of Defendant's rights.

**II.**

Any and all tangible items and other evidence seized or acquired during the course of this improper arrest and search are the direct result of illegal police procedures and therefore must be suppressed.

**IV.**

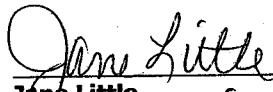
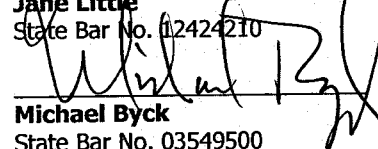
The Defendant would show this Honorable Court that the Defendant has standing to complain of the seizure here complained of and that the Defendant has reason to believe and does believe that said evidence will be used against the Defendant in this or in another criminal proceeding.

0043

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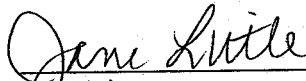
**WHEREFORE, PREMISES CONSIDERED**, the Defendant prays that this motion be in all things granted.

Respectfully submitted,

  
**Jane Little**  
State Bar No. 02424210  
  
**Michael Byck**  
State Bar No. 03549500  
Assistant Public Defenders  
Public Defender's Office  
133 N. Industrial Blvd. LB 2  
Dallas, Texas 75207  
(214) 653-3550  
ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion to Suppress was served on the Assistant District Attorney of Dallas County by personal delivery on the same date of filing herewith.

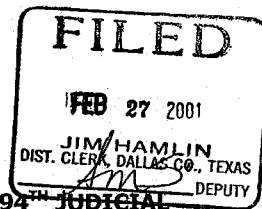
  
Jane Little

**ORDER**

On \_\_\_\_\_, the Court having considered the above and foregoing Motion finds the same is hereby ☐ GRANTED ☐ DENIED.

\_\_\_\_\_  
Judge Presiding

CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



THE STATE OF TEXAS                   §           IN THE 19<sup>TH</sup> JUDICIAL  
VS.                                       §           DISTRICT COURT OF  
JEDIDIAH ISAAC MURPHY           §           DALLAS COUNTY, TEXAS

**MOTION TO SUPPRESS STATEMENTS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Defendant in the above-styled and numbered causes, by and through his attorneys of record, and moves this Court to excuse the jury before any evidence of an admission or confession by the Defendant, whether written or oral, is admitted in order to determine the admissibility of such statements. Defendant makes this request based on the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution, Article I, Sections 9, 10, 13 and 19 of the Texas Constitution and Articles 38.21 through 38.23 of the Texas Code of Criminal Procedure. In support of this motion, Defendant would show:

**I.**

At the time these statements were made by the Defendant, he was under arrest, in custody and substantially deprived of his freedom.

**II.**

These statements were made without the Defendant being sufficiently warned of his rights under Miranda v. Arizona, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 (1966) and Article 38.22 of the Texas Code of Criminal Procedure.

**III.**

These statements were involuntary and the result of pressure and coercion by law enforcement agents.

**IV.**

These statements are the direct fruit of an illegal arrest of the Defendant under the United States and Texas Constitutions and Chapter 14 of the Texas Code of Criminal Procedure.

00436

**V.**

These statements were taken in violation of the Defendant's right to remain silent under the United States and Texas Constitutions.

**VI.**

These statements were taken in violation of the Defendant's right to counsel under the United States and Texas Constitutions.

**WHEREFORE, PREMISES CONSIDERED**, Defendant prays that this motion be granted and all statements made by him to any law enforcement agent be suppressed. Defendant further requests that the Court make and file written Findings of Fact and Conclusions of Law regarding these matters.

  
JANE LITTLE

State Bar No. 12424210

  
MICHAEL BYCK

State Bar No. 03549500

Assistant Public Defender

Public Defender's Office

133 N. Industrial Blvd.

Suite C-1, LB 2

Dallas, Texas 75202

(214) 653-3550

Attorney for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion to Suppress Statements was served on the Dallas County District Attorney's Office by personal delivery on the same date of filing herewith.

  
JANE LITTLE

00437

**ORDER**

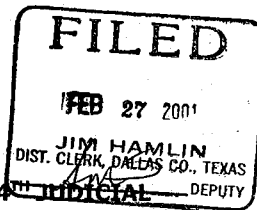
On \_\_\_\_\_, the Court having considered the above and foregoing Motion to Suppress Statements finds the same is hereby **GRANTED / DENIED.**

\_\_\_\_\_  
Judge Presiding

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CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



THE STATE OF TEXAS                   §           IN THE 194<sup>TH</sup> JUDICIAL  
VS.                                       §           DISTRICT COURT OF  
JEDIDIAH ISAAC MURPHY           §           DALLAS COUNTY, TEXAS

**DEFENDANT'S MOTION FOR DISCOVERY OF BRADY MATERIAL REGARDING  
CONFESSIONS, STATEMENTS AND ORAL DECLARATIONS THAT LED TO  
PREVIOUSLY UNDISCOVERED EVIDENCE**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**NOW COMES, JEDIDIAH ISAAC MURPHY**, the Defendant in the above styled and numbered causes, and respectfully requests the court to order the State of Texas by and through the Dallas County District Attorney, to provide to the defendant all exculpatory and mitigating evidence surrounding the defendant's written statements and oral declarations that may effect either the guilt or sentencing stage of the trial. Brady vs. Maryland, 373 U.S. 85 and Kyles v. Whitley, 115 S. Ct 1555 (1995) and Giglio v. U.S., 405 US 150 (1972) Thomas v. State, 841 S.W 2d 389 (Tx. Crim. App.1992).

**I.**

Defendant would specifically request the following items or areas of exculpatory or mitigating evidence:

- a) All electronic recordings of whatever kind made of the defendant from the time of his arrest until the conclusion of the law enforcement interviews which resulted in taking of a written confession October 6, 2001 at 11:00 a.m.

00439

- b) All written notes, memoranda, or data of any nature reflecting the defendant's physical, mental, or emotional condition during the time period referenced in (a) above.
- c) A list of all law enforcement and government agency personnel who observed, interacted, interviewed, or were otherwise in a position to see and hear the defendant during the time period referenced in (a) above.
- d) All oral responses of the defendant to questioning by law enforcement, including but not limited to: charges, clarifications, amendments, retractions, and explanations made prior to or during the taking of the written statement.

### III.

Defendant would further request the following items or areas of exculpatory or mitigating evidence:

- (a) all electronic recordings of whatever kind made of the defendant during the period of time law enforcement agents obtained an oral statement leading to the discovery of physical evidence, whether or not such recordings comply with Article 38.22 § 3 C.C.P.
- (b) by notes, memoranda, or data of any kind regarding the defendant's ability to remember, recall, and relate orally the facts, circumstances, locations, and activities of the offense including, but not limited to, the whereabouts of the defendant immediately before the initial contact with the complainant, as well as the events preceding his arrest.
- (c) all unrecorded observations by law enforcement personnel regarding defendant's expressions of guilt, remorse, contrition, and/or grief concerning the offense, the victim or victim's family.

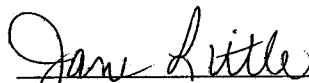
### IV.

Defendant would assert said information requested above is material to the defense of this capital crime, and relates to guilt as well as punishment; is in the possession of the prosecution or affiliated law enforcement investigative and detention agencies; is not privileged; is necessary to the adequate preparation and presentation of a defense in this capital prosecution; and is constitutionally required to be disclosed to the defense.



**WHEREFORE, PREMISES CONSIDERED,** it is respectfully requested that this Motion be in all things granted

Respectfully submitted,

  
\_\_\_\_\_  
**JANE LITTLE**

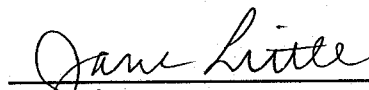
State Bar No. 12424210

  
\_\_\_\_\_  
**MICHAEL BYCK**

State Bar No. 03549500  
Assistant Public Defenders  
Public Defender's Office  
133 N. Industrial Boulevard  
Suite C-1., LB 2  
Dallas, Texas 75207

**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Assistant District Attorney of Dallas County by personal delivery on the same date of filing herewith.

  
\_\_\_\_\_  
Jane Little

**CAUSE NO. F00-02424-M**  
**CAUSE NO. F00-23910-M**

<b>THE STATE OF TEXAS</b>	<b>§</b>	<b>IN THE 194<sup>TH</sup> JUDICIAL</b>
<b>VS.</b>	<b>§</b>	<b>DISTRICT COURT OF</b>
<b>JEDIDIAH ISAAC MURPHY</b>	<b>§</b>	<b>DALLAS COUNTY, TEXAS</b>

**ORDER**

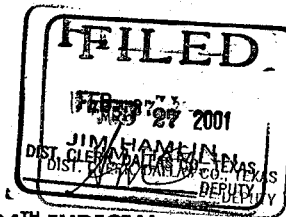
ON THIS DATE came on to be heard the foregoing Defendant' Motion, and the Court, after due deliberation, hold that the motion is [GRANTED] [DENIED, to which action of the Court the defendant respectfully excepts].

\_\_\_\_\_  
**Judge Presiding**

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CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



THE STATE OF TEXAS                   §           IN THE 194<sup>TH</sup> JUDICIAL  
VS.                                       §           DISTRICT COURT OF  
JEDIDIAH ISAAC MURPHY           §           DALLAS COUNTY, TEXAS

**MOTION TO EXCLUDE EVIDENCE OF UNADJUDICATED EXTRANEOUS  
OFFENSES DURING THE PUNISHMENT PHASE, OR REQUIRE A LIVE-LINE-UP**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**COMES NOW, JEDIDIAH ISAAC MURPHY**, the Defendant in the above styled and numbered cases, by and through his attorneys of record, and files this Motion to Exclude Evidence of Unadjudicated Extraneous Offenses During the Punishment Phase or Require a Live Line-Up, would show the following.

**I.**

Permitting the introduction of unadjudicated extraneous offenses at punishment is not consistent with the heightened reliability required in capital litigation.

**II.**

Although there is substantial authority to the contrary, defendant submits that to permit introduction of unadjudicated extraneous offenses at the punishment phase of a capital trial denies him his right to due process, due course, and equal protection of the law as guaranteed by the United States and Texas Constitutions.

**III.**

To permit the State to introduce evidence of unadjudicated offenses to a jury which has just convicted a defendant of capital murder violates the basic premise of a

00443

fundamentally fair trial embodied in the due process and due course of law provisions of the state and federal constitutions. State v. Bobo, 727 S.W. 2d 945 (Tenn 1987). As the Washington Supreme Court has held:

To allow the jury which has convicted defendant of aggravated first degree murder to consider evidence of other crimes of which defendant has not been convicted is, in our opinion, unreasonably prejudicial to defendant..In effect, to allow such evidence is to impose upon a defendant who stands in peril of his life the burden of defending, before the jury that has already convicted him, new charges of criminal activity. Information relating to defendant's criminal past should therefore be limited to his record of convictions.

State v. Bartholomew, 654 P.2d 1170, 1184 (Wash. 1982) (en banc).

Thus, a jury which has already found a defendant guilty of capital murder would not be fair and impartial in viewing evidence of other accusations made against him. That jury would be predisposed toward finding of guilty and would not require independent proof beyond a reasonable doubt utilizing those alleged offenses in answering the special issues.

#### IV.

In the event the Court denies a total prohibition of extraneous offenses the Defendant submits to the court that the State has given notice, as the date of filing this motion, to four extraneous offenses. Two of these extraneous offenses; an August 27, 1997 Kidnap/UUMV and on August 27, 1997, theft from a person are based on identification that occurred over three years from the date of offense. One such identification was made from a photograph of the defendant shown on television news with accompanying facts of the capital murder offense that were superficially similar to the Kidnap/UUMV.

Defendant would request the court to compel the State to place the Defendant in a live-line-up to be viewed by the witnesses to the 1997 offenses before presenting any evidence of those extraneous offenses in any part of this capital trial, and as grounds would show:

- a) the time period between the occurrence of the offense and the identification of the defendant was over three years.
- b) the viewing of a single photograph of the Defendant coupled with brief news accounts of the facts of capital offense are impermissibly suggestive and not an independent basis for an in-court identification.

fundamentally fair trial embodied in the due process and due course of law provisions of the state and federal constitutions. State v. Bobo, 727 S.W. 2d 945 (Tenn 1987). As the Washington Supreme Court has held:

To allow the jury which has convicted defendant of aggravated first degree murder to consider evidence of other crimes of which defendant has not been convicted is, in our opinion, unreasonably prejudicial to defendant..In effect, to allow such evidence is to impose upon a defendant who stands in peril of his life the burden of defending, before the jury that has already convicted him, new charges of criminal activity. Information relating to defendant's criminal past should therefore be limited to his record of convictions.

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Thus, a jury which has already found a defendant guilty of capital murder would not be fair and impartial in viewing evidence of other accusations made against him. That jury would be predisposed toward a finding of guilty and would not require independent proof beyond a reasonable doubt utilizing those alleged offenses in answering the special issues.

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Defendant would request the court to compel the State to place the Defendant in a live-line-up to be viewed by the witnesses to the 1997 offenses before presenting any evidence of those extraneous offenses in any part of this capital trial, and as grounds would show:

- a) the time period between the occurrence of the offense and the identification of the defendant was over three years.
- b) the viewing of a single photograph of the Defendant coupled with brief news accounts of the facts of capital offense are impermissibly suggestive and not an independent basis for an in-court identification.

- c) the opportunity for the witness to observe the defendant, the degree of concentration at the time of the offense, obstruction, distracting, poor lighting and a number of other factors regarding the proper identification of the defendant can be addressed by determining if the extraneous witness can, with observable certainty, identify the defendant from a live-line-up.
- d) the dangers in extraneous offense testimony, the lack of a charge on extraneous offenses at punishment phase, difficulty of defending against uncharged offenses, and the heightened reliability requirement in capital murder punishment phases would require live line-up in the two aforementioned extraneous offenses.
- e) the two above referenced extraneous offenses are unindicted.

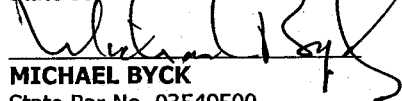
**WHEREFORE, PREMISES CONSIDERED,** the Defendant respectfully prays that this Court grant this Motion to Exclude Evidence of Unadjudicated Extraneous Offenses During the Punishment Phase, or in the alternative, require the State, prior to trial to conduct live line-ups containing the defendant to insure the fundamental fairness of any three year old identification and for such other and further relief to which Defendant may be justly entitled.

Respectfully submitted,



**JANE LITTLE**

State Bar No. 12424210



**MICHAEL BYCK**

State Bar No. 03549500

Assistant Public Defenders

Public Defender's Office

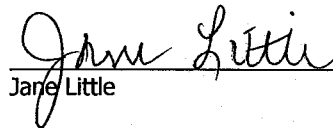
133 N. Industrial Boulevard

Suite C-1., LB 2

Dallas, Texas 75207

**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Assistant District Attorney of Dallas County by personal delivery on the same date of filing herewith.

  
Jane Little

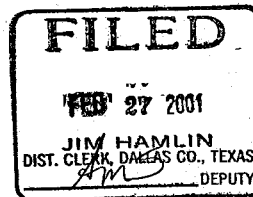
**ORDER**

On \_\_\_\_\_, the Court having considered the above and foregoing Motion finds the same is hereby ☐ GRANTED ☐ DENIED.

\_\_\_\_\_  
Judge Presiding

00447

CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



THE STATE OF TEXAS	§	IN THE 194 <sup>TH</sup> JUDICIAL
VS.	§	DISTRICT COURT OF
JEDIDIAH ISAAC MURPHY	§	DALLAS COUNTY, TEXAS

**MOTION FOR IDENTIFICATION HEARING AND TO EXCLUDE EVIDENCE  
OF ILLEGAL IDENTIFICATION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Defendant in the above-styled and numbered causes, by and through his attorneys of record, and moves for an identification hearing outside the presence of the jury for any identification of this Defendant in the State's case in Chief or any extraneous offense, and in support thereof would show the following:

I.

The purpose of this hearing is to determine the following:

1. Whether defendant's right to counsel under the Sixth and Fourteenth Amendments to the United States Constitution and Article 1, Section 10 of the Texas Constitution has in any way been violated by the identification procedures in this case.
2. Whether or not any out-of-court identification of the Defendant was the result of unconstitutionally suggestive procedures in violation of the due process of law clause of the Fifth and Fourteenth Amendments to the United States and the due course of law clause of the Texas Constitution, Article 1, Section 19.
3. Whether any in-court identification of the Defendant is directly related to the impermissible out-of-court identification procedure.

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II.

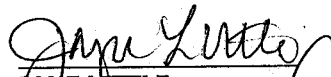
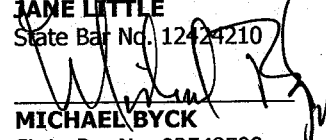
Defendant would show that this improper identification procedure results in a substantial likelihood of misidentification of the Defendant at trial.

III.

Defendant moves to exclude evidence of identification of the Defendant derived from these illegal procedures.

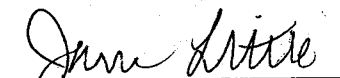
**WHEREFORE, PREMISES CONSIDERED,** Defendant prays that this Motion be granted.

Respectfully submitted,

  
**JANE LITTLE**  
State Bar No. 12424210  
**MICHAEL BYCK**  
State Bar No. 03549500  
Assistant Public Defenders  
Public Defender's Office  
133 N. Industrial Blvd.  
Suite, C-1, LB 2  
Dallas, Texas 75207  
(214) 653-3550

**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Dallas County District Attorney's Office by personal delivery on the same date of filing herewith.

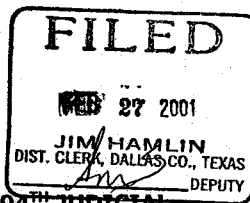
  
Jane Little

**ORDER**

On the \_\_\_\_\_, the Court having considered the above and foregoing Motion finds the same is hereby **GRANTED / DENIED**.

\_\_\_\_\_  
Judge Presiding

CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



THE STATE OF TEXAS                   §           IN THE 194<sup>TH</sup> JUDICIAL  
VS.                                       §           DISTRICT COURT OF  
JEDIDIAH ISAAC MURPHY           §           DALLAS COUNTY, TEXAS

**DEFENDANT'S MOTION FOR LIST OF STATE'S WITNESSES**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**COMES NOW**, Jedidiah Isaac Murphy, the Defendant by and through his attorneys of record and respectfully submits the following:

I.

The Defendant respectfully requests this Honorable Court to instruct the prosecution to submit to counsel for the Defendant a written list of names, addresses, and phone numbers of all witnesses and potential witnesses whom the prosecution expects to all to testify in this case as to:

- a. Any fact connecting or tending to connect the Defendant to the commission of the alleged offense herein.
- b. Any fact connecting or tending to connect the Defendant to the commission of any and all other offenses which the prosecution intends to prove up during this trial.
- c. Any expert opinion, including but not limited to opinions as to ballistics tests, autopsy reports, laboratory analyses as to narcotics and/or dangerous drug, intoxication of the accused and/or any other witness, mental capacity of the Defendant as to competency and/or sanity, physical condition of any witness including the Complainant based upon a medical examination and/or medical reports, handwriting comparisons, fingerprint examinations, fabric tests, blood type analysis, polygraph examinations, value, or the character and/or reputation of the Defendant as to truth and veracity or as to the peaceful and law abiding reputation.

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- d. As to any fact, as a rebuttal witness, to refute the Defendant's defense or self defense and/or accident; and/or sudden passion;
- e. The character and/or reputation of any witness, including the accused whom the State intends to call or could possibly call to testify in this trial against the Defendant during any phase of this trial, to-wit:
  - 1. During the State's case in chief on the issue of whether the Defendant is guilty as charged in the indictment;
  - 2. During any rebuttal testimony of the State;
  - 3. During the punishment hearing, if any.

Under Article 20.20 C.C.P the prosecution is obligated to endorse upon the indictment the names of the witnesses upon whose testimony said indictment was found.

### III.

Articles 35.15 and 35.16 C.C.P. authorize peremptory challenges and challenges for cause.

Article 35.15 C.C.P. provides in part that:

- (b) In non-capital felony cases, the state and defendant shall be entitled to ten preemptory challenges. If two or more defendants are tried together each defendant shall be entitled to six preemptory challenges and the State to six for each defendant."

Article 35.16 C.C.P provides in part as follows:

- (a) A challenge for cause is an objection made to a particular juror, alleging some fact which renders him incapable or unfit to serve on the jury. A challenge for cause may be made by either the State or the defense for any one of the following reason:.....
  - 6. That he is a witness in the cases;
  - 9. That he has a bias or prejudice in favor of or against the defendant;
  - 10. That from hearsay, or otherwise, there is established in the mind of the juror such a conclusion as to the guilt or innocence of the defendant as would influence him in his actions in

finding a verdict.

To ascertain whether this cause of challenge exists, the juror shall first be asked whether in his opinion, the conclusion so established will influence his verdict. If he answers in the affirmative, he shall be discharged without further interrogation by either party or the court. If he answers in the negative, he shall be further examined as to how his conclusion was formed, and the extend to which it will affect his actions; and, if it appears to have been formed from reading newspaper accounts, communications, statements or reports or mere rumor or hearsay, and if the juror states he feels able, notwithstanding such opinion, to render an impartial verdict upon the law and the evidence, the court, if satisfied that he is impartial and will render such verdict, may, in its discretion, admit him as competent to serve in such case. If the court, in its discretion, is not satisfied that he is impartial, the juror shall be discharged..."

- (f) A challenge for cause may be made by the defenses for any of the following reasons:
- (1) that he is related within the third degree of consanguinity or affinity to the person injured by the commission of the offense, or to any prosecutor in the case; and
  - (2) that he has a bias or prejudice against any of the law applicable to the case upon which the defense is entitled to rely, either as a defense to some phase of the offense for which the defendant is being prosecuted or as a mitigation thereof or of the punishment therefore."

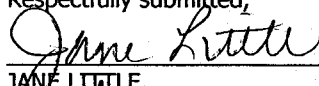
In order to permit the Defendant herein to exercise in an intelligent manner his preemptory challenges and his challenges for cause, it is necessary for the prosecution to submit a complete written list of the witnesses requested above in order that counsel for the defendant may inquire of the prospective jurors as to whether or not, among other things, said prospective jurors know, are related to or have heard of any of said witnesses by name or reputation, and if so, whether this knowledge would affect his or her respective judgment and/or verdict in this cause. If the Defendant is not given a complete list of the names of said witnesses as requested, the Defendant will be precluded from determining whether or not any prospective juror has a bias or prejudice against the Defendant and/or in favor of the prosecution, and thus will be deprived of intelligently exercising the preemptory challenges to which the Defendant is entitled, and further, the Defendant will be precluded from intelligently exercising his challenges for cause.

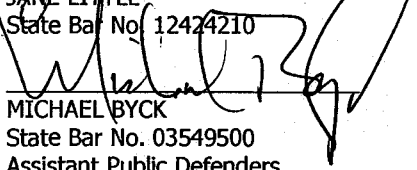
**IV.**

That in the event the prosecution during the trial of this cause attempts to elicit the testimony from a witness whose name has not been previously disclosed to the Defendant prior to the voir dire examination of the jury panel, the Defendant requests this Court to prohibit the prosecution from using the testimony of any such witness if the Court finds that the prosecution knew or through the exercise of reasonable diligence should have known of existence of such a witness and thus should have included the name of such witness on the list of witnesses submitted to the Defendant prior to the voir dire examination.

**WHEREFORE, PREMISES CONSIDERED,** the Defendant prays that this Honorable Court will require a complete written list of all witnesses as requested above

Respectfully submitted,

  
\_\_\_\_\_  
JANE LITTLE  
State Bar No. 12424210

  
\_\_\_\_\_  
MICHAEL BYCK  
State Bar No. 03549500  
Assistant Public Defenders  
Public Defender's Office  
133 N. Industrial Boulevard  
Suite, C-1, LB 2  
Dallas, Texas 75207  
(214) 653-3550

**CERTIFICATE OF SERVICE**

I hereby certify to the Court that a true and correct copy of the above and foregoing Motion was served on the Assistant District Attorney of Dallas County by personal delivery on the same date of filing herewith.

  
\_\_\_\_\_  
Jane Little

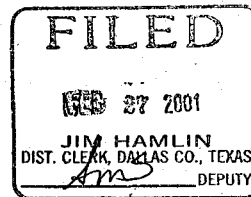
**ORDER**

**ON THIS DATE** came on to be heard the foregoing Defendant' Motion, and the Court, after due deliberation, hold that the motion is [GRANTED] [DENIED, to which action of the Court the defendant respectfully excepts].

---

Judge Presiding

CAUSE NO. F00-02424-M  
CAUSE NO. F00-23910-M



THE STATE OF TEXAS                   §           IN THE 194<sup>TH</sup> JUDICIAL  
VS.                                       §           DISTRICT COURT OF  
JEDIDIAH ISAAC MURPHY           §           DALLAS COUNTY, TEXAS

**DEFENDANT'S MOTION REGARDING VICTIM  
CHARACTER/IMPACT TESTIMONY AFTER  
MOSELY VS. STATE**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**COMES NOW, JEDIDIAH ISAAC MURPHY**, by and through his attorney or record, and files this his Amended Motion Regarding Victim Character/Impact Testimony After Mosley v. State and as grounds therefor would show the following:

**I.**

The Court of Criminal Appeals has recently issued a significant opinion on the issue of victim impact and character evidence. In that opinion, written by Judge Keller, the Court informs us that:

"Our jurisprudence in this area has been somewhat inconsistent and confusing at times. We take this opportunity to announce a consistent, if not always clear-cut rule to be followed in future cases: Both victim impact and victim character evidence are admissible, in the context of the mitigation special issue, to show the uniqueness of the victim, the harm caused by the Defendant, and as rebuttal to the Defendant's mitigation evidence. Rule 403 limits the admissibility of such evidence when the evidence predominantly encourages comparisons based upon the greater or lesser worth or morality of the victim. When the focus of the evidence shifts from humanizing the victim compared to other members of society then the State exceeds the bounds of permissible testimony. We recognize that this standard does not draw a bright and easy line for determining when evidence concerning the victim is admissible and when it is not.

00456

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Trial judges should exercise their sound discretion in permitting some evidence about the victim's character and the impact on other's lives while limiting the amount of scope of such testimony. Considerations in determining whether testimony should be excluded under Rule 403 should include the nature of the testimony, the relationship between the witness and the victim, the amount of testimony to be introduced, and the availability of other testimony relating to victim impact and character. And, mitigating evidence introduced by the Defendant may also be considered in evaluating whether the State may subsequently offer victim-related testimony " Mosely 983 S.W 2d 249 (Tex. Cr. App. 1998).

## **II.**

### **VICTIMS DEFINED BY INDICTMENT**

There are several things this opinion does not do. It does not broaden the right of the State to include victim impact or character evidence about people not named in the indictment. Only those named in the indictment are properly considered as "victims" See Cantu v. State 939 S.W. 2<sup>nd</sup> 627 (Tex. Cr. App. 1997).

## **III.**

### **DISCOVERY AND HEARING NECESSARY**

Counsel requests that the State be required to detail, in writing, exactly which witness by name and address will testify; the substance of the testimony regarding victim impact; and the relationship of said witness to complainant. Counsel further requests that the Court conduct a pretrial hearing to evaluate each witness's testimony and demeanor.

Only with this pretrial disclosure and hearing can the Court properly engage in the balancing test now required by the Court of Criminal Appeals, and only in that manner can Counsel render effective assistance in deciding whether to waive submission of the mitigation special issue to prevent the State's introducing the victim testimony.

**IV.**

**BRADY IMPLICATED**

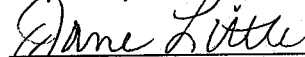
If the State attempts to offer victim impact or character evidence to create a sympathetic picture of the victims, the State is also obligated to disclose, and indeed to discover, any information which is to the contrary. The "anti victim impact" evidence sought includes conviction and arrest records, problems in school, work or family, and any other character related information which, in fairness, might rebut the good character or impact evidence as offered by the State. This evidence must be disclosed under Brady v. Maryland 373 U.S. 83 (1963).

**V.**

In the alternative if the court declines to order the requests made in IV. above, the defendant moves the court order all victim impact/victim worth witnesses to read from a prepared written statement, and all such statements to be provided to the defense before the commencement of the punishment stage of this capital trial.

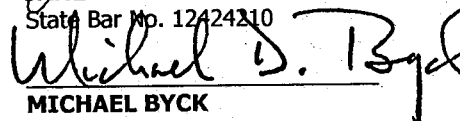
**WHEREFORE, PREMISES CONSIDERED,** the Defendant respectfully prays that this Motion in all things be granted.

Respectfully submitted,



**JANE LITTLE**

State Bar No. 12424210



**MICHAEL BYCK**

State Bar No. 03549500

Assistant Public Defenders

Public Defender's Office

133 N. Industrial Boulevard, LB 2

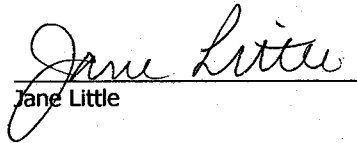
Dallas, Texas 75207

(214) 653-3550

00458

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing instrument has been furnished to counsel for the State by hand-delivery of a copy of same this the 27 day of February, 2001.

  
Jane Little

**ORDER**

On \_\_\_\_\_, the Court having considered the above and foregoing Motion finds the same is hereby ☐ GRANTED ☐ DENIED.

\_\_\_\_\_  
Judge Presiding

00459

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Certification

The State of Texas     X

County of Dallas     X

VOL. 2, 235 THRO 460

I, Jim Hamlin, Clerk of the 194TH JUDICIAL DISTRICT COURT of Dallas County, Texas do hereby certify that the documents contained in this record to which this certification is attached are all of the documents specified by Texas Rule of Appellate Procedure 34.5 (a) and all other documents timely requested by a party to this proceeding under Texas Rule of Appellate Procedure 34.5 (b).

GIVEN UNDER MY HAND AND SEAL at my office in Dallas County, Texas this 25TH day of OCTOBER, 20 01.

Signature of clerk



Name of clerk

JANE MILLER

Title

DEPUTY CLERK

74145

C L E R K ' S R E C O R D

Volume THREE of FOUR

Trial Court Cause Number F00-02424-NM

In the JUDICIAL District Court #194

of Dallas County, Texas,

Honorable H. ENTZ, Judge Presiding.

=====

THE STATE OF TEXAS, Plaintiff

vs.

JEDIDIAH ISAAC MURPHY, Defendant

=====

Appealed to the  
Court of Criminal Appeals of Texas at Austin, Texas,  
or Court of Appeals for the \_\_\_\_\_ District of Texas, at \_\_\_\_\_, Texas.

=====

Attorney for Appellant

Name ADAM SEIDEL

Address 2515 MCKINNEY, STE 1400, DLS, TX 75201

Telephone No. 214-237-0835

Fax No. \_\_\_\_\_

SBOT No. 17999290

Attorney for: JEDIDIAH ISAAC MURPHY

=====

**FILED IN**  
**COURT OF CRIMINAL APPEALS**

NOV 05 2001

Troy C. Bennett, Jr., Clerk

Delivered to the Court of Criminal Appeals of Texas at Austin, Texas,  
or Court of Appeals for the \_\_\_\_\_ District of Texas, at \_\_\_\_\_, Texas,  
on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

signature of clerk \_\_\_\_\_

name of clerk \_\_\_\_\_

title \_\_\_\_\_

=====

Appellate Court Cause No. \_\_\_\_\_

Filed in the Court of Criminal Appeals of Texas at Austin, Texas,  
or Court of Appeals for the \_\_\_\_\_ District of Texas, at \_\_\_\_\_, Texas,  
this 25TH day of OCTOBER, 2001.

JIM HAMLIN, DALLAS COUNTY DISTRICT CLERK

By JANE MILLER, Deputy

FORM 355A

1 JEDIDIAH ISAAC MURPHY

CAUSE NO. F00-02424-MN

2 VS:

IN THE 194TH JUDICIAL DISTRICT

3 THE STATE OF TEXAS

COURT OF DALLAS COUNTY, TEXAS

4

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FILED

F00-02424-M

2008 DEC 19 AM 9:17

THE STATE OF TEXAS

IN THE 194<sup>TH</sup> JUDICIAL

V.

DISTRICT COURT OF

JEDIDIAH ISAAC MURPHY

DALLAS COUNTY, TEXAS

**NOTICE OF FILING OF BUSINESS RECORDS PURSUANT TO RULE 902 (10)**

TO THE HONORABLE JUDGE OF SAID COURT:

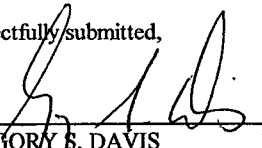
COMES NOW the State of Texas, by and through its Assistant District Attorney, Gregory S. Davis, and files this its Notice of Filing of Business Records Pursuant to Rule 902 (10), Rules of Criminal Evidence, and respectfully shows unto the Court the following:

I.

The State hereby files self-authenticated business records from the following persons or entities more than fourteen (14) days prior to the commencement of trial:

1. Christus St. Michael.
2. Jeffrey T. Dehaan, M.D.


Respectfully submitted,

  
GREGORY S. DAVIS  
Assistant District Attorney  
Dallas County, Texas  
Bar No. 05493550

00461

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing instrument was hand-delivered to  
opposing counsel on the 19th day of December, 2000.

  
\_\_\_\_\_  
GREGORY S. DAVIS



STATE OF Texas )  
COUNTY OF Bowie ) SS:

AFFIDAVIT

My name is Kay Wadley. I am of sound mind, capable of making this affidavit and personally acquainted with the facts herein stated.

I am the medical records custodian of the office of:

Christus St. Michaels  
(Business Name)

Attached hereto are 5 pages of medical records regarding:

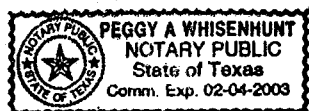
Murphy, Matthew  
(Name of Patient)

These medical records are kept in the regular course of business, and it is the regular course of business of this office for an employee or representative of this office with the knowledge of the act, event, condition, opinion or diagnosis recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time of the act, event, condition, opinion or diagnosis. The records attached hereto are the original or exact duplicates of the original.

Kay L. Wadley  
SIGNATURE OF AFFIANT

Before me personally appeared affiant, who being by me duly sworn that the facts stated herein are true and correct according to his/her best information and belief.

In witness whereof, I have hereunto subscribed my name and affixed my official seal this 1st day of December, 19 2000



Peggy Whisenhunt  
Notary Public

My Commission Expires:

2. 2003

00463

ST MICHAEL HEALTH CARE CENTER  
P.O. BOX 2911  
TEXARKANA, TX 75503

EMERGENCY ADMISSION  
09/30/96 05:22pm

MURPHY, MATTHEW

SSN: 456-71-2610

9627400201

501B W WALTERS

DOB: 09/01/75 21Y

UNIT: 000159107

NEW BOSTON  
UNEMPLOYED

TX 75570

M MALE  
CAUCASIAN  
S SINGLE

(903)628-4129

Adm Date 09/30/96 05:10pm  
Disch Date

FINANCIAL  
SP ER

ACCOM SERVICE  
ERS

STATION RM BED  
ER-B6790810

SELF  
MURPHY, MATTHEW  
501B W WALTERS

SSN: 456-71-2610

NEW BOSTON  
(903)628-4129

TX 75570

MOTHER  
ABBOTT, HOPE  
6305 FM 429  
COFFMAN

(214)962-7443

TX

SIGNIFICANT OTHER(903)628-4129  
WILLIS, CHELSEA  
501B W WALTERS  
NEW BOSTON

TX 75570

ADVANCED DIRECTIVES:

INSURANCE

GROUP #

POLICY #

POLICY HOLDER'S NAME

ATTENDING PHYSICIAN:  
DEHAAN, JEFFREY I

ADMITTING DIAGNOSIS:  
-INCISION OPEN

PREVIOUS ADMIT TO HOSPITAL

**St. Michael Health Care Center**CONDITIONS OF HOSPITAL CARE ☐ IP ☐ OP ☐ ER**1. CARE**

I understand the patient is under the care and supervision of the patient's attending doctor and consultant selected by the doctor. It is the responsibility of the hospital and its staff to carry out the instructions of these doctors. I understand ALL DOCTORS FURNISHING SERVICES TO THE PATIENT, INCLUDING THE RADIOLOGIST, PATHOLOGIST, ANESTHESIOLOGIST, EMERGENCY ROOM PHYSICIANS, AND OTHERS, ARE NOT EMPLOYEES OR AGENTS OF THE HOSPITAL but rather, are independent contractors who have been granted the privilege of using its facilities for the care and treatment of their patients. These doctors will bill separately for these services. Further, I realize that among those who attend patients at this hospital are medical, nursing, and other health care personnel in training who, unless requested otherwise, may be present during patient care as a part of their education. Still or motion pictures and closed circuit television monitoring of patient care also may be used for educational and medical purposes, unless a patient expressly requests otherwise.

The hospital provides only general duty nursing care unless the doctor orders that the patient be provided more intensive nursing care. If the patient's condition requires the service of a special duty nurse or sitter, this service must be arranged by the patient or the patient's representative since the hospital does not provide this special care. When protective rails are placed on the patient's bed and raised for patient protection or when protective restraints are ordered, the patient assumes all risks or injury or damage if the patient refused permit raised side rails or restraints.

**2. SERVICES AND / OR SURGICAL PROCEDURE CONSENT**

I understand any surgical medical treatment has risks including infection and poor results despite sound medical care. The consent to hospital care includes permission for x-ray examination, laboratory procedures, injections, medications and hospital services rendered the patient under the general and special instruction of the doctor. It is hospital policy that the patient have the opportunity to discuss the surgery and procedures with the patient's doctor beforehand. The patient has the right to consent to surgery. Except in emergencies or unusual circumstances the hospital does not allow its facilities to be used without this discussion and the patient's consent.

**3. RELEASE OF INFORMATION**

To the extent necessary to determine liability for payment and to obtain reimbursement, the hospital and the patient's doctors may disclose the patient's records, INCLUDING HIV STATUS OR OTHER SEXUALLY TRANSMITTED DISEASE INFORMATION, to medical records auditors, Social Security Administration, insurance or benefit payor, health service plan, or worker's compensation carrier which is, or may be liable for all or any portion of the hospital's or treating doctor's charges.

The hospital may obtain from any source and examine, discuss and disclose the patient's records, including medical history, examinations, diagnoses, treatments, and HIV or Aids information to treating doctors, hospital personnel and agents, other health care providers, medical researchers, audit committees, care evaluators and state and federal agencies.

**4. PERSONAL VALUABLES**

THE HOSPITAL MAINTAINS A SAFE FOR THE PROTECTION OF MONEY AND VALUABLES. THE HOSPITAL IS NOT RESPONSIBLE FOR THE LOSS OF OR DAMAGE TO ANY MONEY, JEWELRY, DOCUMENTS, GARMENTS, DENTURES, PROSTHETIC DEVICES OR OTHER ARTICLES OF PERSONAL PROPERTY, UNLESS DEPOSITED IN THE HOSPITAL'S SAFE.

**5. FINANCIAL AGREEMENT**

In consideration of the services to be rendered to the patient, each person signing this Hospital Care Consent authorizes credit investigation and individually obligates himself/herself to pay the patient's account in accordance with the regular rates and terms of the hospital. In addition, if the services to be rendered to the patient are in any way related to the acts or omissions of a third party against whom the patient may have any claim or cause of action for damages, then the patient expressly grants a contractual lien on such claim or cause of action to the hospital, which contractual lien will attach to any judgment, settlement, or insurance policy (including any liability policy covering a third party, any underinsured or uninsured policy covering the patient, and any other type of insurance policy which may provide benefits or payments to the patient as a result of the injury sustained) and which will be in addition to any other rights the hospital may have under any laws. If the accounts are referred to any attorney or collection agency, the same person agrees to pay reasonable attorneys' fees and collection expenses. All delinquent accounts will bear interest at the legal rate. If charity services are required, eligibility determination must be requested prior to or upon admission.

**6. ASSIGNMENT OF BENEFITS**

Each person signing this Hospital Care Consent assigns all rights, title and interest and authorizes direct payment to the hospital of any insurance benefits or benefits under Social Security Act otherwise payable to the patient for the hospitalization at a rate not to exceed the hospital's regular charges. I FURTHER AUTHORIZE PAYMENT DIRECTLY TO THE ANESTHESIOLOGISTS, PATHOLOGISTS, RADIOLOGISTS, AND OTHER TREATING PHYSICIANS RENDERING PROFESSIONAL SERVICES. Each person signing this Hospital Care Consent is financially responsible for charges not collected by this assignment.

**7. ABSENCE / TRANSPORTATION**

If temporary absences from the hospital is authorized by the patient's doctor or if the patient leaves the hospital against medical advice, the hospital is not responsible for patient's welfare while absent. PASS DAYS ARE NOT COVERED BY MEDICARE, MEDICAID, AND OTHER INSURANCE COMPANIES, AND PATIENT ASSUMES ALL RESPONSIBILITY FOR PAYMENT FOR THE DAYS ON WHICH THE PATIENT IS ABSENT FROM THE HOSPITAL. If the hospital assists in arranging private ambulance services, the responsibility is limited to reservation assistance. Transportation arranged by others is the patient's responsibility.

**8. ETHICS**

The hospital is sponsored by the Sisters of Charity of the Incarnate Word and is dedicated to fulfilling a Christian ministerial role of aiding the sick and injured in conformity with the Ethical and Religious Directive for Catholic Health Facilities, approved by the U.S. Catholic Conference. The hospital does not allow its facilities to be used for procedures in violation of these directives.

**Health Care Service Plans:** This hospital maintains a list of the health care service plans with which it has contracted. This list is available upon request from the financial office. The hospital has no contract, express or implied, with any plan that does not appear on the list.

**Disposition:** The hospital may preserve tissue or other parts for scientific purposes, for teaching purposes, for grafts, or it may otherwise dispose of tissue or other parts resulting from procedures in the hospital. In the event of fetal or other death without proper disposition arrangements by or on behalf of the patient within twenty-four (24) hours, the hospital is authorized to make disposition arrangements as required by law or hospital policies.

**HOSPITAL CARE CONSENT**

- I consent to hospital services, treatment and diagnostic procedures by the hospital as ordered by my doctor and consultants selected by my doctor.
- I agree to any testing such as for Hepatitis, AIDS, or other communicable diseases, or isolation procedures as required for infection control for the public health.
- The Conditions of Hospital Care listed on the front and back of this consent form control the type of care I will receive, release of information, financial responsibility, and other important matters.
- ( ) If applicable:

**STATEMENT TO PERMIT PAYMENT OF MEDICARE BENEFITS TO PROVIDER, PHYSICIANS AND PATIENT**

I certify that the information given by me in applying for payment under title XVII of the Social Security Act is correct. I authorize any holder of medical or other information about me to release to the Social Security Administration or its intermediaries or carriers any information needed for this or a related Medicare claim. I request that payment of authorized benefits be made on my behalf. I assign the benefits payable for physicians services to the physician or organization to submit a claim to Medicare for payment to me.

MY SIGNATURE ACKNOWLEDGES THAT I HAVE BEEN GIVEN THE OPPORTUNITY TO ASK QUESTIONS ABOUT THIS CONSENT FORM AND THE CONDITIONS OF HOSPITAL CARE. I VOLUNTARILY GIVE MY CONSENT TO HOSPITAL CARE. A PHOTOCOPY OF THIS AUTHORIZATION SHALL BE CONSIDERED AS EFFECTIVE AND VALID AS THE ORIGINAL.

Witness: Mary HillDate: 9-30-96Time: 5:18Patient Signature: Matthew Murphy

( ) Parent, Legal Guardian  
( ) Other

( ) Consent to and agreement to assume responsibility for the Financial Agreement, Assignment of Benefits, and Health Care Service Plan, as stated in the Conditions of Hospital Care, if financial responsibility is assumed by someone other than the patient or legal guardian:

GUARANTOR NAME (PLEASE PRINT)

(1) GUARANTOR / INSURED SIGNATURE

(2) INSURED SIGNATURE

CONDITIONS OF HOSPITAL CARE

00466

00467

# EMERGENCY DEPARTMENT DISCHARGE INSTRUCTIONS

M. Murphy was seen in the Emergency Department by Dr. DeHaan.  
His/Her advice includes the following instructions for you to follow at home. Because the nature of most emergency conditions is such that your illness or injury may change with the passage of time, it is extremely important that you follow the advice given by your physician. If your condition changes or does not improve, call your private physician or contact the Emergency Department at 614-2223.

## ROUTINE INSTRUCTIONS

- |  |   |
|--|---|
| <input type="checkbox"/> Abdominal Pain            | <input type="checkbox"/> Obstetrics                   |
| <input type="checkbox"/> Ace Bandage               | <input type="checkbox"/> Normal Pregnancy             |
| <input type="checkbox"/> Back Pain                 | <input type="checkbox"/> Threatened Abortion          |
| <input type="checkbox"/> Burns                     | <input type="checkbox"/> Complete Abortion            |
| <input type="checkbox"/> Chest Pain                | <input type="checkbox"/> Pelvic Inflammatory Disease  |
| <input type="checkbox"/> Angina                    | <input type="checkbox"/> Sexually Transmitted Disease |
| <input type="checkbox"/> Generalized               | <input type="checkbox"/> Stains / Sprains             |
| <input type="checkbox"/> Eye Injury                | <input type="checkbox"/> Upper Respiratory Infection  |
| <input type="checkbox"/> Fever                     | <input type="checkbox"/> Urinary Tract Infection      |
| <input type="checkbox"/> Fractures, Cast, Crutches | <input type="checkbox"/> Vomiting / Diarrhea          |
| <input type="checkbox"/> Minor Head Injury         | <input type="checkbox"/> Wounds / Lacerations         |
- Other instructions: See Dr. DeHaan Thursday at 3pm  
at his office 3708 Summerhill Road, Akron  
OH 44319-1001. Please call DeHaan at 614-222-3000  
if you have any problems.
- ☐ Work / School Activity Able to work / school  
☐ Yes ☐ No - off through \_\_\_\_\_ ☐ No physical ED through \_\_\_\_\_  
 If you are not able to return to work / school by the above date, see your doctor.
- ☐ High Blood Pressure Your blood pressure was found to be \_\_\_\_\_. This is higher pressure than average.  
Please see your physician for a check-up.
- ☐ Follow-up Care ☐ Doctor \_\_\_\_\_ Office \_\_\_\_\_  
☐ Return to the Emergency Department \_\_\_\_\_  
 (Bring this sheet with you)
- ☐ Lab / Culture Reports Call the Emergency Dept. \_\_\_\_\_ (803) 614-2223 for lab or culture reports.
- ☐ Injections If an injection of medication was given, some swelling, tenderness, and redness is normal and will persist for several days. If a tetanus immunization was given, you may expect a mild fever, especially in children.
- ☐ X-rays If an x-ray was taken and a report was given to you, it may have been a preliminary report. All x-rays are reviewed by the Department of Radiology the next working day. You will be contacted if additional x-rays are necessary.
- ☐ EKG Your electrocardiogram will be reviewed the next working day. You will be notified if there is any change in the diagnosis.
- ☐ Medication ☐ May cause drowsiness. Do not drive, operate machinery or consume alcoholic beverages.  
☐ Take medication as directed.

I am accepting responsibility as driver of \_\_\_\_\_ who has received an  
injection in the Emergency Department and cannot drive today. \_\_\_\_\_  
Signature of Designated Driver

I hereby acknowledge receipt of instructions indicated above. I understand that I have had only emergency treatment, and that I may be released before all my medical problems are known or treated. I will arrange for follow-up as given above.

M. Murphy  
Patient signature or guardian if patient is unable  
to sign because: \_\_\_\_\_

9/30/96 1800  
Date Time  
(Relationship to patient)

A. Brian  
Witness Signature / Date (Verifying Patient's Signature)

11/22/2000 09:49 2146532924

DALLAS COUNTY DA

PAGE 04

F00-02424-M

THE STATE OF TEXAS

§  
§  
§  
§  
§  
§

IN THE 194<sup>TH</sup> JUDICIAL

V.

DISTRICT COURT OF

JEDIDIAH ISAAC MURPHY

DALLAS COUNTY, TEXAS

AFFIDAVIT

STATE OF TEXAS

§  
§  
§

COUNTY OF Bowie

BEFORE ME, the undersigned authority, on this day personally appeared Jeffrey T. DeHaan, M.D., who being by me duly sworn, deposed as follows:

"My name is Jeffrey T. DeHaan, M.D., I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

I am the custodian of the records of Jeffrey T. DeHaan, M.D. Attached hereto are 9 pages of records from Jeffrey T. DeHaan, M.D. These said 9 pages of records are kept by Jeffrey T. DeHaan, M.D. in the regular course of business, and it was the regular course of business of Jeffrey T. DeHaan, M.D. for an employee or representative of Jeffrey T. DeHaan, M.D. with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The records attached hereto are the original or exact duplicates of the original."



Wadley Regional Medical Center  
OPERATING ROOM NURSING REPORT

Page: 2

PROCEDURE DATE: 09/13/96 ROOM: 03000

PATIENT NAME: MURPHY, MATTHEW

ACCT#: W02423929

UNIT#: M0089550

Method of Transfer: Assisted

Positioning: Supine, Legs Parallel, Arms on Armboards

Positioning Aids: Pillow Under Head

Right Ulnar Pad

Positioned by OR Staff: Nicole Foster, RN

Positioned by Anesthesiologist/CRNA: David Lummus, CRNA

Safety Strap Applied: Y Location: Upper Thighs

EQUIPMENT:

ESU: Y IDS: D Cut: 1 Coag: 40 Bipolar#: Setting:

Pad Location: Right Thigh

Post-op skin condition: Clear

Tourniquet: Y Location: L Upper Arm Up: 1622 Down: 1643 Setting: 250 mmHg

Post-op skin condition: Clear

FIRST COUNT:

Circulator: NF Scrub: PB Sponge: C Needles/Sharps: C Instruments: C

CLOSING COUNT:

Circulator: NF Scrub: PB Sponge: C Needles/Sharps: C Instruments: C

FINAL COUNT:

Circulator: NF Scrub: PB Sponge: C Needles/Sharps: C Instruments: C

MD notified of count: Y

POTENTIAL FOR ALTERED BODY TEMP/COMFORT:

Goal: Patient will maintain normal body temperature intra-operatively.

Temp Probe: None

Warm blanket applied: Y

IRRIGATION SOLUTIONS:

Sterile H2O: Y #Used: 1

Normal Saline: Y #Used: 1

MEDICATIONS:

Bacitracin 50,000u

SPECIMENS: Y

Other: BULLET LEFT HAND TO SECURITY: WOOTEN

00474



Wadley Regional Medical Center  
OPERATING ROOM NURSING REPORT

Page: 3

PROCEDURE DATE: 09/13/96 ROOM: 03000

PATIENT NAME: MURPHY, MATTHEW

ACCT#: W02423929

UNIT#: M0089550

POTENTIAL FOR INFECTION:

Goal: Avoidance of patient infection.

Surgical Skin Prep:

Number	Location	Solution
#1	L Hand to Elbow	Hibiclens/Alcohol

Dressings/Packs: Adaptic

4X4

Kerlix Rolls

ABD

Ace Bandage 4"

Tape: Silk

Catheter:

POTENTIAL FOR INJURY DURING TRANSFER:

Goal: Patient will be transferred without injury.

Method: Lifter

Roller

Stretcher

Airway: Extubated

Room Air

From OR: Awakening

Discharged to: PACU

Comments/Evaluation: LEFT HAND ELEVATED. SANGUINOUS DC ON ACE: SURGEON INFORMED,  
ADDITIONAL DRESSING ORDERED. ABD'S AND ADDITIONAL ACE APPLIED  
WITHOUT INCREASE IN DRAINAGE.

Signed: 

Signed: \_\_\_\_\_

Signed: \_\_\_\_\_

\*END OF REPORT\*

00475

---

**WADLEY REGIONAL  
MEDICAL CENTER**

---

HISTORY AND PHYSICAL EXAMINATION

PT. NAME: MURPHY, MATTHEW

ACCT. #: W02422929

MR UNIT #: M0089550

ADMISSION DATE: 09/13/96

ROOM #: 495

DISCHARGE DATE:

ADMISSION DIAGNOSIS:

Gunshot wound left hand, volar entrance with paresthesias to the hand.

HPI: This is a thin man who shot himself in left hand in the volar entrance area. He presented to the Emergency Room in New Boston and was transferred here, told to get a doctor who specializes in hand problems. He presents to the Emergency Room here with a swollen hand, tender, with paresthesias in the long, ring, and 5th fingers.

PMH: Negative.

PHYSICAL EXAMINATION:

GENERAL: Healthy skinny gentleman.

VITAL SIGNS: Stable.

LUNGS: Clear.

ABDOMEN: Non-tender.

ORTHO: He has a volar entrance wound pretty much smack in the middle of the palm. You can palpate the pellet in the dorsal aspect of the hand. He does have decreased sensation to the 3rd, 4th, and 5th digits. The index and thumb are OK. He has good flexor tendon flexion to all digits. Good capillary refill of the fingers.

PLAN: At this time we will be admitted for incision and drainage of the palmar area. Also, wish to remove the bullet as well as are going to be there.

Jeffrey T. DeHaan

D: BENJT T: DA  
DO: 09/13/96 DT: 09/13/96

00476

---

**WADLEY REGIONAL  
MEDICAL CENTER**

---

OPERATIVE RECORD

PT. NAME: MURPHY, MATTHEW

ACCT. #: W02423929

ROOM #: 49B

MR UNIT #: M0089550

ADMISSION DATE: 09/13/96

DISCHARGE DATE:

DATE OF OPERATION: 09/13/96

PREOP. DIAG.: Gunshot wound left hand with swelling of the left hand and  
paresthesias of the hand.

POSTOP. DIAG.: Same.

PROCEDURE: Incision and drainage with fasciotomy of the left hand palmar  
aspect.  
Removal of foreign object dorsum of hand.

SURGEON: DeHaan.

ANESTHESIA: General.

POSITION: Supine.

NARRATIVE: The patient was brought to the Operating Room and put under general anesthesia. The left hand was prepped and draped in routine sterile fashion. An incision was made in the distal palmar crease and advanced through subq tissue. There was a small hematoma present but not drastic. The entire fascia was decompressed. The nerves were inspected and there was no nerve laceration. This area was irrigated copiously and then it was closed very loosely with three 3-0 Nylon sutures. A longitudinal incision was made over the dorsum of the hand and advanced down to the pellet which was removed without difficulty. This wound was also closed with 3-0 Nylon. A sterile bulky dressing was then applied to the hand and he was taken to the Recovery Room in stable condition.

Jeffrey T. DeHaan

D: DEHJT T: DA  
DD: 09/13/96 DT: 09/13/96

00477

EMERGENCY DEPT. RECORD

**ASSESSMENT/NOTES:**

**CURRENT MEDICATIONS:**

PHYSICIAN NOTES: TIME SEEN:

**A.**

**DIAGNOSIS:**

DISPOSITION: \_\_\_\_\_ RELEASE TO: \_\_\_\_\_ ADMITTED TO: OK SURGERY ☐ MORGUE ☐ FUNERAL HOME ☐ TRANSFERRED TO OTHER FACILITY ☐

DID DOCTOR SEE PATIENT?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	CONDITION ON DISCHARGE:	<input type="checkbox"/> IMPROVED	<input checked="" type="checkbox"/> UNCHANGED	TIME OUT:	1:00
-------------------------	---	-----------------------------	-------------------------	-----------------------------------	---	-----------	------

**INSTRUCTIONS TO PATIENT:**

SIGNED BY NURSE: [Signature]  
PHYSICIAN'S COPY

**RIN**

**SIGNED BY PHYSICIAN**

~~00478~~

DOCTOR Dr. Murphy

NEW PATIENT INFORMATION

DATE 9-11-96

963505 4

PATIENT NAME Last First		Date Of Birth	Sex	Social Security Number	Relationship To R/P <input type="checkbox"/> Self <input type="checkbox"/> Child <input type="checkbox"/> Spouse <input type="checkbox"/> Other	
MURPHY Matthew		9/18/75	M			
Street Address		City	State	Zip Code	Phone	
5013 West Walters		NEW Boston	TX	75570		
Maiden Name	Marital Status	Employer Name		Type Of Work	Driver's License# St.	
	M S W D Exp					
Employer Phone		Employer Address		City	State	Zip Code
Friend Or Relative	Relationship	Phone	Address	City	State	Zip Code
Chelsea W. H. S.	girlfriend	628-4424	Same			
Drug Allergies, If Any						
Responsible Party (R/P) Name Last First MI DOB Sex Social Security Number						
myself / /						
R/P Address		City	State	Zip Code	Phone	
Employer Name		Phone		Type Of Work		
Insurance Co. Name (Primary)	Policy No./Member I.D.	Ins. Co. Group No.	Coverage Date	Expiration Date		
none			/ /	/ /		
Insurance Co. Address		City	State	Zip Code		
Insured Name (If Not R/P)	Patient Relation To Insured		Insurance Phone Number			
	<input type="checkbox"/> Self <input type="checkbox"/> Child <input type="checkbox"/> Spouse <input type="checkbox"/> Other					
Insurance Co. Name (Secondary)	Policy No./Member I.D.	Ins. Co. Group No.	Coverage Date	Expiration Date		
			/ /	/ /		
Insurance Co. Address		City	State	Zip Code		
Insured Name (If Not R/P)	Patient Relation To Insured		Insurance Phone Number			
	<input type="checkbox"/> Self <input type="checkbox"/> Child <input type="checkbox"/> Spouse <input type="checkbox"/> Other					
Were You Injured On The Job?	Date Of Injury	Describe Accident		Name Of Attorney		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	/ /					
Was An Automobile Involved?	Date Of Injury	Were X-Rays Taken?	If Yes, Where Were X-rays Taken?	Date X-rays Taken		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Referred By		Reason For Seeing Doctor				
		checked hand J.				

All Professional Services Rendered Are Charged To The Patient. Necessary Forms Will Be Completed To Help Expedite Insurance Carrier Payments. However, The Patient Is Responsible For All Fees, Regardless of Insurance Coverage. It Is, Also, Customary to Pay For Services When Rendered Unless Other Arrangements Have Been Made In Advance With Our Office.

## INSURANCE AUTHORIZATION AND ASSIGNMENTS

I request the payment of authorized Medicare/Other Insurance Company benefits be made either to or on my behalf to Orthopedic Specialists of Texarkana, P.A. for any services furnished me by that physician/supplier. I authorize any holder of medical information about me to release to the Health Care Financing Administration and its agents any information needed to determine these benefits payable to related services.

I understand my signature requests that payment be made and authorizes release of medical information necessary to pay the claim. If item 9 of the HCFA-1500 claim form is completed, my signature authorizes releasing of the information to the insurer or agency shown. In Medicare/Other Insurance Company assigned cases, the physician or supplier agrees to accept the charge determination of the Medicare/Other Insurance Company as the full charge, and the patient is responsible only for the deductible, coinsurance and noncovered services. Coinsurance and the deductible are based upon the charge determination of the Medicare/Other Insurance Company.

SIGNATURE

Matthew Murphy

DATE

9-17-96

00479

F00-02424-M

FILED

2001 JAN -9 AM 9:49

THE STATE OF TEXAS

V.

JEDIDIAH ISAAC MURPHY

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IN THE 194<sup>TH</sup> JUDICIAL IN  
DISTRICT CLERK  
DALLAS CO. TEXAS  
DISTRICT COURT OF DEPUTY

DALLAS COUNTY, TEXAS

**NOTICE OF FILING OF BUSINESS RECORDS PURSUANT TO RULE 902 (10)**

TO THE HONORABLE JUDGE OF SAID COURT:

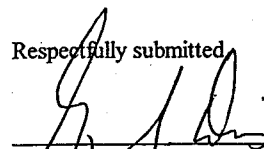
COMES NOW the State of Texas, by and through its Assistant District Attorney, Gregory S. Davis, and files this its Notice of Filing of Business Records Pursuant to Rule 902 (10), Rules of Criminal Evidence, and respectfully shows unto the Court the following:

I.

The State hereby files self-authenticated business records from the following persons or entities more than fourteen (14) days prior to the commencement of trial:


1. Citizen's National Bank.
2. Aavid Thermalloy.

Respectfully submitted

  
GREGORY S. DAVIS  
Assistant District Attorney  
Dallas County, Texas  
Bar No. 05493550

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing instrument was hand-delivered to  
opposing counsel on the 9th day of January, 2001.

  
\_\_\_\_\_  
GREGORY S. DAVIS

F00-02424-M

THE STATE OF TEXAS

V.

JEDIDIAH ISAAC MURPHY

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IN THE 194<sup>TH</sup> JUDICIAL

DISTRICT COURT OF

DALLAS COUNTY, TEXAS

AFFIDAVIT

STATE OF TEXAS

COUNTY OF Van Zandt

§  
§  
§

BEFORE ME, the undersigned authority, on this day personally appeared

Darlene Monson, who being by me duly sworn, deposed as follows:

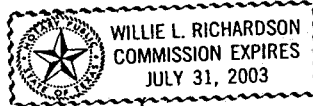
"My name is Darlene Monson I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

I am the custodian of the records of Citizen's National Bank. Attached hereto are 4 pages of records from Citizen's National Bank. These said 4 pages of records are kept by Citizen's National Bank in the regular course of business, and it was the regular course of business of Citizen's National Bank for an employee or representative of Citizen's National Bank with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The records attached hereto are the original or exact duplicates of the original."



Darlene Morrison  
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME this 8 day of Jan, 2000,  
to certify which witness my hand and seal of office.



Willie L. Richardson  
Notary Public in and for  
\_\_\_\_\_ County, \_\_\_\_\_

My Commission Expires:

7-31-2003

ACCT # 2092115  
 DATE OPENED 03-24-00  
 TODAYS DATE 12-05-00  
 OWNER 22070-1 IND  
 JEDIDIAH I MURPHY  
 IND 456-71-2610 EX

## CHECKING

EMC.0605

BRANCH CLASS CYCLE STATUS SVC CHG  
 100 059 010 CL ST OD 10-00  
 BASIC 2 CHECKING NSF WV PA DHV CHV RE  
 7 N N N N N

MEMO BAL LEDGER BAL COLLECT BAL AVAILBL BAL LAST DEP/PHNT  
 0.00 0.00 0.00 0.00 09-05 40.00

MONTH	AVERAGE LEDGER	AVERAGE COLLECT	MONTH	AVERAGE LEDGER	AVERAGE COLLECT
00-10	-62.10	-62.10	00-04	194.62	182.07
00-09	18.76	18.76	00-03	220.75	153.75
00-08	86.19	70.24	00-02	0.00	0.00
QTR-1	15.07	9.64	QTR-3	201.81	176.10
00-07	68.42	68.42	00-01	0.00	0.00
00-06	24.14	24.14	99-12	0.00	0.00
00-05	63.95	57.31	99-11	0.00	0.00
QTR-2	52.44	50.24	QTR-4	0.00	0.00
6-MO.	33.86	30.05	*YEAR*	62.74	55.16

P

(BCF021)

Customer Information File

EMC-0605

CIF #.... 22078

12-05-00

Name  
JEDIOIAH I MURPHY

SSN/TIN No Home Phone Work Phone  
456-71-2610 803-873-6959

Street Address  
I HOLD MAIL AT BANK

Address Line 2

City  
HILLS POINT

ST Zip  
TX 75169

Inq Level	Security Code	Key Cust	Emp/Rel	Other Svcs	Profit
40		N	N		Y

Appl	Acct #	Rel/Stt	Memo Bal	Note/Title	Cyc	C N1	/N2	/Add
00A-058	2092115	OW/CL	0.00		010	1	1	1

CITIZENS NATIONAL BANK  
 500 N 4TH STREET  
 WILLS POINT TX 75169  
 (903) 873-4157

ON LINE REQUEST CUSTOMER NUMBER PAGE NO  
 22078 1

PRIMARY ACCT ENCLOSURES  
 DDA-2092115 0

JESUDIAH I MURPHY  
 HOLD MAIL AT BANK  
 WILLS POINT TX 75169

LAST STATEMENT  
 DATE DATE  
 09-17-00 10-15-00

ACCOUNT TYPE AND NUMBER	BALANCE FORWARD	TOTAL DEBITS	TOTAL CREDITS	CLOSING BALANCE
CHECKING 2092115	17.35	88.00	0.00	70.65-

BASIC 2 CHECKING  
 CHECKING 2092115

DATE	AMOUNT	WITHDRAWALS AND OTHER DEBITS	SVC CH*
09-22	20.00	NONSUFFICIENT FUND FEE	
09-29	10.00	OVERDRAFT FEE	
10-04	20.00	NONSUFFICIENT FUND FEE	
10-06	10.00	OVERDRAFT FEE	
10-11	20.00	NONSUFFICIENT FUND FEE	
10-13	8.00	MAINTENANCE FEE	

AVERAGE BALANCE \$21.58-  
 AVERAGE COLLECTED BALANCE \$21.58-  
 MINIMUM BALANCE OF \$62.65- OCCURRED ON 10-11-00

CITIZENS NATIONAL BANK  
500 N 4TH STREET  
HILLS POINT TX 75169  
(903) 873-4157

PRIMARY ACCT ENCLOSURES  
DDA-2092115 0  
ON LINE REQUEST CUSTOMER NUMBER PAGE NO

JEDIDIAH I MURPHY  
HOLD MAIL AT BANK  
HILLS POINT TX 75169  
22078 1  
LAST STATEMENT  
DATE DATE  
10-15-00 11-15-00

ACCOUNT TYPE AND NUMBER	BALANCE FORWARD	TOTAL DEBITS	TOTAL CREDITS	CLOSING BALANCE
CHECKING 2092115	70.65-	20.00	90.65	0.00

BASIC 2 CHECKING  
CHECKING 2092115

DATE	AMOUNT	DEPOSITS AND OTHER CREDITS
10-30	90.65	SERVICE CHG REVERSAL

DATE	AMOUNT	WITHDRAWALS AND OTHER DEBITS
10-19	20.00	NONSUFFICIENT FUND FEE

AVERAGE BALANCE \$39.00-  
AVERAGE COLLECTED BALANCE \$39.00-  
MINIMUM BALANCE OF \$90.65- OCCURRED ON 10-19-00

F00-02424-M

THE STATE OF TEXAS

V.

JEDIDIAH ISAAC MURPHY

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IN THE 194<sup>TH</sup> JUDICIAL

DISTRICT COURT OF

DALLAS COUNTY, TEXAS

**AFFIDAVIT**

STATE OF TEXAS

COUNTY OF Kaufman

§  
§  
§

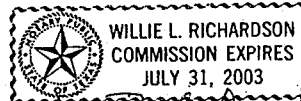
BEFORE ME, the undersigned authority, on this day personally appeared Winnie Boehnke, who being by me duly sworn, deposed as follows:

"My name is Winnie Boehnke, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

I am the custodian of the records of Aavid Thermalloy (formerly Aavid Thermal Products). Attached hereto are 29 pages of records from Aavid Thermalloy. These said 29 pages of records are kept by Aavid Thermalloy in the regular course of business, and it was the regular course of business of Aavid Thermalloy for an employee or representative of Aavid Thermalloy with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The records attached hereto are the original or exact duplicates of the original."

Levin Zaitch  
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME this 8 day of JAN, 2000,  
to certify which witness my hand and seal of office.



Willie L. Richardson  
Notary Public in and for

Kaufman County, \_\_\_\_\_

My Commission Expires:

7-31-2003

10:12-12/07/'00-DALLAS-COUNTY-D.A.

214\_653\_3527

PAGE 01



**BILL HILL**  
**CRIMINAL DISTRICT ATTORNEY**  
 Frank Crowley Courts Building  
 133 N. Industrial Boulevard, L.B. 19  
 Dallas, Texas 75207-4399  
 Office: 214.653.3600

## FACSIMILE COVER SHEET

DATE: 12-7-2000

Total Pages, Including Cover:

To: W. BOEHNKE	Dept./Agency: AVID TEC
Fax #: 972 551 7361	Phone #: 972 524 1122

From: INV Willie Richardson  
P1

Reply to Fax #: 214 653 5774

Dept./Agency: DALLAS COUNTY DISTRICT ATTORNEY'S OFFICE

Comments: PLEASE CK YOUR RECORDS FOR A JEDIDIAH  
 MURPHY DOB: 9-1-75- CK DATES OF AUG-26-27-28  
 1997- please expedite

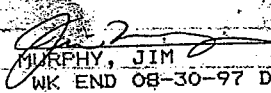
## CONFIDENTIALITY NOTICE

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Joseph Murphy  
 3rd shift

00490



<div style="text-align: center;">   MURPHY, JIM  WK END 08-30-97 DEPT #16  EMP #40564 SHIFT-3 </div>									
	In	Sunday							
	Out								
	In								
	Out								
40.00 6.03 hr <hr/> 46.03 JUL	In	Monday	7.15		SU 23 35				
	Out								
	In								
	Out								
	In	Tuesday	8.36		M 23 14				
	Out								
	In								
	Out								
28	In	Wednesday	7.61		T 23 54				
	Out								
	In								
	Out								
	In	Thursday	7.74		W 23 30				
	Out								
	In								
	Out								
29	In	Friday	7.95		TH 23 75				
	Out								
	In								
	Out								
30	In	Saturday	7.22		F 23 30				
	Out								
	In								
	Out								

Faded

Attn: Willie Richardson

12-22-00  
9:46 am

*Jim*  
 MURPHY, JIM  
 WK END 08-30-97 DEPT #16  
 EMP #40564 SHIFT-3

	In	Sunday		
	Out			
	In			
	Out			
40.00	In	Monday	7.15	
	Out			
	In			
	Out			
6.03 <sup>26</sup>	In	Tuesday	8.36	
	Out			
	In			
	Out			
46.03 <sup>26</sup>	In	Wednesday	7.61	
	Out			
	In			
	Out			
27	In	Thursday	7.74	
	Out			
	In			
	Out			
28	In	Friday	7.95	
	Out			
	In			
	Out			
29	In	Saturday	7.22	
	Out			
	In			
	Out			
30	In			
	Out			
	In			
	Out			

K1491 AEONICS, INC., Richardson, TX — (214) 644-2540

Date for orientation: 5-15-97**PAYCHEX****Employee Profile**

564

Employee # <u>564</u>	Name <u>JEDIDIAH MURPHY</u>
S.S.# <u>456-71-2610</u>	Address <u>6305 FM 429</u>
	City/State <u>KAUFMAN TX</u> Zip <u>75142</u>
	Federal: <u>M</u> Marital Status <u>M</u> Exemptions <u>0,2</u>
Hourly Rate 1 _____	State: _____
Hourly Rate 2 _____	Local: _____
Hourly Rate 3 _____	Male/Female: <u>MALE</u>
Birth Date <u>09/01/75</u>	Start Date <u>5/15/97</u> Termination Date <u>1</u>

Supervisor indicate:

Hire Date: 5-15-97Start Date: 5-15-97Dept. # and Name: 165Shift: 3

Base Rate: \$ \_\_\_\_\_

Shift Prem: \_\_\_\_\_

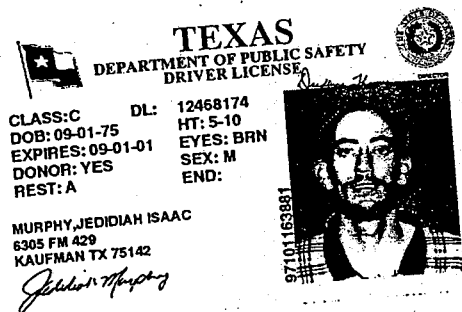
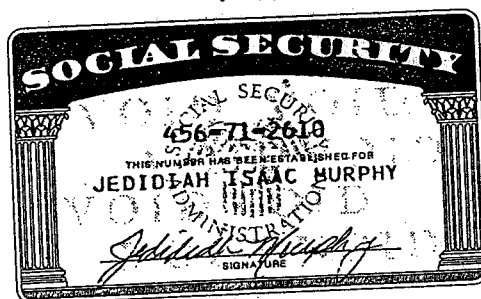
Pay Rate: \$ 6.50

↓  
Married  
 or  
Single

↓  
 How many  
 Dependents  
 claimed?

23.38 hrs

Immigration and Naturalization Service		Employment Eligibility Verification	
<p>Please read instructions carefully before completing this form. The instructions must be available during completion of this form. <b>ANTI-DISCRIMINATION NOTICE.</b> It is illegal to discriminate against work eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because of a future expiration date may also constitute illegal discrimination.</p>			
<p><b>Section 1. Employee Information and Verification.</b> To be completed and signed by employee at the time employment begins</p>			
Print Name: Last	First	Middle Initial	Maxon Name
MURPHY	JEDIDIAH	I	
Address (Street Name and Number)		Apt. #	Date of Birth (month/day/year)
6305 FM 429			09-01-75
City	State	Zip Code	Social Security #
KAUFMAN	TX	75142	456-71-2610
<p>I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.</p>		<p>I attest, under penalty of perjury, that I am (check one of the following):</p> <p><input checked="" type="checkbox"/> A citizen or national of the United States</p> <p><input type="checkbox"/> A Lawful Permanent Resident (Alien # A _____)</p> <p><input type="checkbox"/> An alien authorized to work until _____ (Alien # or Admission # _____)</p>	
Employee's Signature		Date (month/day/year)	
[Signature]		09-01-75	
<p><b>Preparer and/or Translator Certification.</b> (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.</p>			
Preparer's/Translator's Signature		Print Name	
[Signature]			
Address (Street Name and Number, City, State, Zip Code)		Date (month/day/year)	
<p><b>Section 2. Employer Review and Verification.</b> To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C as listed on the reverse of this form and record the title, number and expiration date, if any, of the document(s).</p>			
List A	OR	List B	AND
			List C
Document title:		TX DL 12466174	456-71-2610
Issuing authority:			
Document #:			
Expiration Date (if any):		9/1/01	
Document #:			
Expiration Date (if any):			
<p><b>CERTIFICATION</b> - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) _____ and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment).</p>			
Signature of Employer or Authorized Representative		Print Name	Title
Business or Organization Name		Date (month/day/year)	
Aavid Thermal Tech. of TX. Inc. 250 Apache Tr. Terrell, TX 75160			
<p><b>Section 3. Updating and Reverification.</b> To be completed and signed by employer</p>			
A. New Name (if applicable)		B. Date of rehire (month/day/year) (if applicable)	
<p>C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility.</p>			
Document Title:	Document #:	Expiration Date (if any):	
<p>I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.</p>			
Signature of Employer or Authorized Representative		Date (month/day/year)	





# AAVID™

HERMAL TECHNOLOGIES, INC. — the industry leader in thermal management products

1 Kool Path • P.O. Box 400  
 onia, New Hampshire 03247-0400  
 nan Resources: (603) 527-2118 • Fax: (603) 527-2369

## Application for Employer

a condition of your continuing at Aavid Thermal Technologies, Inc., you may be subject to periodic testing for the use of alcohol or illegal drugs. You will  
 imed to have consented to these tests by continuing your employment with Aavid.

Applicant Consistent with applicable federal and state laws, all employment applications are considered by Aavid Thermal Technologies, Inc., without reg  
 race, religion, color, sex or national origin.

PERSONAL

Date: 5-7-97

me:

MURPHY

JEDIDIAH

ISAAC

456

71

2616

last

first

middle

social security number

dress:

6305 F.M. 429

KAUFMAN

TX

75142

no.

street

city

state

zip

ephone No.

972-962-7443

Referred by:

☒ Our Advertisement

☐ Friend/relative

te you can start

WHENEVER

☐ Emp. Agency

☐ No one

sition(s) applied for:

FORKLIFT OR MACHINERY

Full time ☒

Part time ☐

Temp ☐

te of pay expected: \$

per

If part time specify days/hours

e you 18 or over?

YES

(If no, hire is subject to minimum legal age verification.)

e you will to work

2nd shift? ☐ Yes ☐ No

3rd shift? ☒ Yes ☐ No

Veteran? ☐

ift preference:

☒ 1st

☐ 2nd

☐ 3rd

Other ☐

ve you ever applied for work here before?

YES

If yes, when?

A YEAR AGO

ve you worked for us before?

NO

If yes, when?

Position:

scribe any specialized training, apprenticeship, skills, and extracurricular/personal activities:

FORKLIFT, CRANE, TRACTOR ETC. OPERATOR, SHEAR,

ASSEMBLY ETC.

ve you ever been convicted of a crime which has not been formally pardoned, other than motor vehicle offenses resulting

ey in a fine?

☐ Yes

☒ No

If yes, explain

case of an emergency, notify:

HOPE ABBOTT

name

6305 FM 429

address

972-962-7443

phone

00496

### PERFORMANCE REQUIREMENTS:

you are offered a job with Aavid Thermal Technologies, Inc. the offer and continued employment will be based upon your being able to satisfy the physical  
 you are offered a job with Aavid Thermal Technologies, Inc. the offer and continued employment cannot and will not be rescinded  
 portions of the job which were explained to you at the time of the interview. Your job offer or continued employment cannot and will not be rescinded  
 and your physical appearance or condition unless you or your supervisor determine that you cannot perform the essential functions of the job.

**FOR EMPLOYMENT**

Check box next to employer's name indicating those you do not wish us to contact.

### REFERENCES — PRIOR EMPLOYMENT

This space is provided for any additional comments you want to add:

are: 5-7-97 Signed: Richard Murphy

DO NOT WRITE BELOW THIS LINE

SUMMARY OF INTERVIEW:

Date: \_\_\_\_\_

Proposed	For Dept.	Position	Will Report	Salary Wages	Level
Approved:		Circle one: Full Time   Part Time   Temp		Shift	

### **DRUG SCREENING POLICY STATEMENT FOR JOB APPLICANTS**

It is the policy of AAVID Thermal Technologies, Inc. to maintain a safe, healthful and productive work environment for our employees; to provide quality services for our customers in an efficient manner; to maintain the integrity and security of our facilities and property; and to perform all these functions in a manner consistent with the interests and concerns of the communities in which we are located.

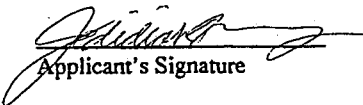
Because of this AAVID Thermal Technologies, Inc. requests that candidates for employment who receive job offers take a pre-employment physical examination which includes a drug screening test covering illegal substances and legal substances subject to abuse. All job offers are conditional on passing the physical examination and drug test.

Each eligible candidate will be required to submit a urine and/or blood specimen or other appropriate sample as part of the physical examination and to sign the following Consent and Release. Refusal will result in the candidate's disqualification for further employment consideration. AAVID Thermal Technologies, Inc. will not knowingly hire anyone who tests positive for substance abuse.

### **CONSENT AND RELEASE LIABILITY**

I UNDERSTAND that AAVID Thermal Technologies, Inc. requests that I take a pre-employment physical examination which includes appropriate tests to determine the absence or presence of drugs.

I RELEASE AAVID Thermal Technologies, Inc., its parent and affiliated corporations, and their employees and agents from any and all potential liability arising from this request, from taking such tests, or from my failure or refusal to submit to such tests.

  
Applicant's Signature

CONSENT voluntarily to the physical examination including the drug test.

\_\_\_\_\_  
Applicant's Signature

REFUSE to submit to such tests. I understand that this refusal will disqualify me from further employment consideration.

5-7-97  
Date



THE MAXAL TECHNOLOGIES, INC. — the industry leader in thermal management products

# Application for Employment

PERSONAL

Date: 2-9-96

name: MURPHY JERIDIAH ISAAC 456-71-2610  
last first middle social security number

idress: 6305 FM 429 KALIFMAN TX 75142  
no. street city state zip

Telephone No. 714-962-7443 Referred by: ☒ Our Advertisement ☐ Friend/relative

How soon can you start: ASAP ☐ Emp. Agency ☐ No one

Position(s) applied for: FORK LIFT OR ANY Full time ☒ Part time ☐ Temp ☐

Rate of pay expected: \$ 5.50 per Hour If part time specify days/hours Full Time

Are you 18 or over? YES (If no, hire is subject to minimum legal age verification.)

re you will to work 2nd shift? ☒ Yes ☐ No 3rd shift? ☒ Yes ☐ No Veteran? NO

Gift preference: ☒ 1st ☒ 2nd ☐ 3rd Other \_\_\_\_\_

Have you ever applied for work here before? NO If yes, when? N/A

Have you worked for us before? NO If yes, when? N/A Position: N/A

Describe any specialized training, apprenticeship, skills, and extracurricular/personal activities: HEK OUT OF

DALLAS I WORKED AS A FORK LIFT OPERATOR

ALSO WORKED IN FABRICATION & SHIPPING &

RECEIVING

Have you ever been convicted of a crime which has not been formally pardoned, other than motor vehicle offenses resulting

solely in a fine? ☐ Yes ☒ No If yes, explain \_\_\_\_\_

In case of an emergency, notify: HOPE ABBOTT

name

SPRINGFIELD APTS. 244-962-5965  
address phone

phone

~~00499~~

**PERFORMANCE REQUIREMENTS:**

**PERFORMANCE REQUIREMENTS:**  
If you are offered a job with Aavid Thermal Technologies, Inc. the offer and continued employment will be based upon your being able to satisfy the physical conditions of the job which were explained to you at the time of the interview. Your job offer or continued employment cannot and will not be rescinded based upon your physical appearance or condition unless you or your supervisor determine that you cannot perform the essential functions of the job (with or without reasonable accommodation). If the employer determines that you cannot perform the essential functions of the job, the employer will be required to provide a written notice of termination.

**EDUCATION**

NAME AND LOCATION OF SCHOOL	# YEARS ATTENDED	DEGREE	GRADUATED Y/N
ELEMENTARY			
HIGH SCHOOL	12		✓
OTHER			

**PRIOR EMPLOYMENT**

NAME, ADDRESS, TELEPHONE	PERIOD		POSITION	RATE OF PAY	REASON FOR LEAVING
	From	To			
J.E.H. AUTOMOTIVE ( )	11-95	1-95	TECHNICAL	35%	MOVED
H.E.K. DALLAS ( )	1-94	8-94	FORK LIFT	7.50	LAYED OFF

Check box next to employer's name indicating those you do not wish us to contact.

**REFERENCES — PRIOR EMPLOYMENT**

NAME, COMPANY AND POSITION OF REFERENCE	TELEPHONE
CHELSEA WILLIS	962-7443
JEANIE EGGELOW	932-8345
FRANCIS GRAY	962-5965

This space is provided for any additional comments you want to add:

In submitting this application for employment, I do so with the understanding that my previous and present employers may be asked for information relative to my employment record with them. I hereby release those employers and their individual employees from any and all liability or damage relating to information about my prior employment or character which they may relate to Aavid Thermal Technologies, Inc.

I understand and acknowledge that unless otherwise defined by applicable law, any employment relationship which I may have with Aavid Thermal Technologies, Inc., is of an "AT WILL" nature, which means that I may resign at any time and Aavid Thermal Technologies, Inc., may discharge me at any time, with or without cause.

The information contained in this application is accurate and true. I acknowledge that Aavid Thermal Technologies, Inc., has the right to check the accuracy of any of this information or information I may have furnished orally during the application process. I understand that any misleading or any incorrect information or statements may render my application void and constitute cause for immediate termination in the event I have been employed.

Date: 2-9-96

Signed: Frederick J. Murphy**DO NOT WRITE BELOW THIS LINE**

SUMMARY OF INTERVIEW:

Date: \_\_\_\_\_

Hired	For Dept.	Position	Will Report	Salary Wages	Level
Approved:		Circle one: Full Time Part Time Temp		Shift	00500
Supervisor/Manager					

DRUG SCREENING POLICY STATEMENT  
FOR JOB APPLICANTS

It is the policy of AAVID Thermal Technologies, Inc. to maintain a safe, healthful and productive work environment for our employees; to provide quality services for our customers in an efficient manner; to maintain the integrity and security of our facilities and property; and to perform all these functions in a manner consistent with the interests and concerns of the communities in which we are located.

Because of this AAVID Thermal Technologies of TX, Inc. requests that candidates for employment who receive job offers take a pre-employment physical examination which includes a drug screening test covering illegal substances and legal substances subject to abuse. All job offers are conditional on passing the physical examination and drug test.

Each eligible candidate will be required to submit a urine and/or blood specimen or other appropriate sample as part of the physical examination and to sign the following Consent and Release. Refusal will result in the candidates disqualification for further employment consideration. AAVID Thermal Technologies of TX, Inc. will not knowingly hire anyone who tests positive for substance abuse.

CONSENT AND RELEASE LIABILITY

I UNDERSTAND that AAVID Thermal Technologies of TX, Inc. requests that I take a pre-employment physical examination which includes appropriate tests to determine the absence or presence of drugs.

I RELEASE AAVID Thermal Technologies of TX, Inc., its parent and affiliated corporations, and their employees and agents from any and all potential liability arising from this request, from taking such tests, or from my failure or refusal to submit to such tests.

  
Applicant's Signature

CONSENT voluntarily to the physical examination including the drug test.

-----  
Applicant's Signature

REFUSE to submit to such tests. I understand that this refusal will disqualify me from further employment consideration.


2-9-96  
-----  
Date

00501

**AAVID  
SUBSTANCE AND DRUG POLICY**

I hereby acknowledge: (a) that I have received a copy of Substance and Drug Policy; (b) that I have read it in its entirety; and (c) that I understand its contents.

5-15-97  
Date

  
Employee signature



---

## EMERGENCY CONTACT INFORMATION

---

**Employee Name:** JEDIDIAH MURPHY

The following is a list of people to contact in the event of an emergency:

**Name:** HOPE ABBOTT

**Telephone:** (Home) 972-962-7443 (Work) SAME

**Address:** 6305 FM 429

**City:** KACIFMAN **State:** TX **Zip:** 75142

**Relationship:** MOM

---

**Name:** CHELSEA WILLIS

**Telephone:** (Home) 1-903-573-2215 (Work) 563-0200

**Address:** \_\_\_\_\_

**City:** WILLS POINT **State:** TX **Zip:** 75169

**Relationship:** FIANCE

---

Date 5-15-97 Employee Name JEDIDIAH MURPHY  
 please print name  
 Department: 165

### HAZARD COMMUNICATIONS PROGRAM

#### CONCENTRATED ACID:

- . Inhalation will cause severe irritation or a burning sensation of the nose, throat and lungs.
- . When working with concentrated acid wear goggles and nitrile rubber gloves.

True False

☒ ☐  
☒ ☐

#### CONCENTRATED CAUSTICS:

- . Concentrated caustics can cause blurred vision.
- . Neoprene or nitrile rubber gloves should be used.

☒ ☐  
☒ ☐

#### OILS, GREASES, COOLANTS AND LUBRICANTS:

- . Some individuals may develop an allergic type asthmatic reaction.
- . First Aid Treatment for eye contact, you should flush with fresh water for at least 15 minutes.

☒ ☐  
☒ ☐

#### HAZCOM, THE MSDS AND PLACARD SYSTEM:

- . Placards are Generic MSDS Sheets by hazard category.
- . Aavid's Labeling System is 0 -- 5 with "5" rating as deadly.
- . Ventilation is a good engineering control of chemical hazards.
- . Only the Loss Prevention Manager has copies of MSDS Sheets.

☒ ☐  
☒ ☐  
☒ ☐  
☐ ☒

1. What do the letters MSDS stand for?

MATERIAL SAFETY DATA SHEET

2. An MSDS lists four "routes of exposure" into your body, name them.

- 1) BREATHING 2) EATING  
 3) EYES 4) SKIN

3. An MSDS lists two "effects of exposure", name them?

- 1) ACUTE 2) CHRONIC

4. What do the letters PPE stand for?

PERSONAL PROTECTIVE EQUIPMENT

**SIGNATURE PAGE**

EMPLOYEE NAME: SEBASTIAN MURPHY

---

**AAVID HANDBOOK**

1. I acknowledge that I have received a copy of the Aavid Handbook and that a company Representative went over the Handbook and benefits with me.
- 

**AAVID SUBSTANCE AND DRUG POLICY**

2. I hereby acknowledge: (a) that I have received a copy of Substance and Drug Policy in the Aavid handbook; (b) that I have read it in its entirety; and (c) that I understand its contents. *No handbook given at this time*
- 

**ORIENTATION & TRAINING PROGRAM**

3. I have completed the Human Resources Orientation & Training Program and I understand the program.
- 

5-15-97  
DATE

*Sebastian Murphy*  
EMPLOYEE SIGNATURE

**AAVID ENGINEERING, INC.  
STATEMENT OF EMPLOYEE OBLIGATIONS**

As an employee of Aavid Engineering, Inc. ("AEI") I expressly acknowledge that I have the following obligations to AEI, to my supervisors, to my fellow employees, and to our valued customers and vendors:

1. -- Safety. I have reviewed the safety requirements set forth in the Aavid Engineering Employee Handbook and other written materials which have been furnished to me or made available to me; and have participated in various sessions explaining safety concerns, procedures, practices and reporting requirements applicable to me as an AEI employee. I hereby acknowledge that it is my responsibility to act in line with all safety requirements applicable at any time during my employment. I also understand that I have an affirmative obligation, as an AEI employee, to report any and all safety concerns to my immediate supervisor.

2. -- Hazardous Materials. I am aware that various types of materials which are classified by federal and state governmental authorities as "hazardous materials", with varying levels of potential danger for me and to my fellow employees (if misused, mismanaged, etc.), are used by AEI in conducting its business. I have participated in various training and update sessions explaining the hazardous materials concerns, procedures, practices and reporting requirements applicable to me as an AEI employee. I am aware that throughout the plant, various materials are placed with pertinent information regarding hazardous materials and I agree to familiarize myself with these materials and the nearest location from my place of work. I hereby acknowledge that it is my responsibility to act in line with all hazardous materials requirements applicable at any time during my employment.

3. -- Confidentiality. I am aware that a broad variety of information, in various forms, is maintained, used and available at AEI. With regard to AEI, this includes, but is not limited to, the identity of personnel and their duties, the type and description of various properties, manufacturing processes, trade secrets, financial information, sales information, quoting information, computer systems and data bases, and all other information pertinent to AEI's business. In addition, this includes any and all information, in various forms, from actual and potential customers, which is disclosed to AEI in the normal course of business, including, but not limited to, drawings, specifications, requirements, target prices, customer personnel or operating procedures, customer-manufacturing processes, and all other information pertinent to a customer's business. I hereby acknowledge that it is my responsibility to act appropriately to protect any and all information, of AEI and of its customers, with the highest degree of confidentiality and loyalty, and, specifically, to maintain customer information confidential to the same extent as described in any individual non-disclosure agreement to which AEI is now or may in the future become a party.

4. -- Compliance with Employment Practices. I have reviewed the broad range of employment practices described in the Aavid Engineering Employee Handbook and as set forth in other written materials and oral briefing sessions in which I have participated. I hereby acknowledge that it is my responsibility to comply with all such employment practices applicable at any time during my employment.

*No handbook given.*  
I understand and hereby acknowledge my responsibilities, as set forth above, as of this 15 day of May 1997.

Jim Murphy  
Employee

Name: \_\_\_\_\_

If the Employee has not completed any training required and/or referred to in Sections 1 or 2 above, set forth the exceptions here, including anticipated date of completion:



# **Personnel Change Notice**

☒ **Employment**
☐ **Termination**
☐ **Change**
**Effective Date** \_\_\_\_\_

Name (Last, First, Middle) <i>Murphy Jeddian Isaac</i>		Soc. Sec. No. <i>456-71-2610</i>	LD/Sales	Date Prepared
Address (Street) <i>12305 FM 429 Kaufman, Tx</i>		(City) <i>75142</i>	(State) <i>TX</i>	Phone No. <i>962-7443</i>

<b>Employment</b>						
<input checked="" type="checkbox"/> New Hire <input type="checkbox"/> Re-Instate <input type="checkbox"/> Replacement For: <input type="checkbox"/> Re-Hire <input type="checkbox"/> Addition						
Birth Date <i>9-1-75</i>	Sex <i>M</i>	Marital Status <i>Married</i>	Employee Status	Job Class	Expense Class	Shift

<b>Termination</b> (Give Reasons in Remarks)		Last Day Worked	Pay Up To & Including	Re-Hire
<input type="checkbox"/> Voluntary <input type="checkbox"/> Involuntary				<input type="checkbox"/> Yes <input type="checkbox"/> No
Employment Date	Vacation Accrued	Servicemore Pay	Other	

<b>Change</b>		Leave of Absence		Period of Absence	
<input type="checkbox"/> Rate/Salary Change <input type="checkbox"/> Promotion <input type="checkbox"/> Transfer		<input type="checkbox"/> Military <input type="checkbox"/> Sick Leave <input type="checkbox"/> Layoff <input type="checkbox"/> Maternity <input type="checkbox"/> Vacation <input type="checkbox"/> Personal		From _____ Thru _____	
Employment Date		New Address/Phone No.			

Status	Job Title	Department	Shift	Location	Rate/Sale
New				<i>TX</i>	
Present					

**Remarks**

00507

<b>Approval</b>		Approved By	Date
Initiated By	Date	Approved By	Date

ACKNOWLEDGMENT OF TEMPORARY EMPLOYMENT


I, JEDIDIAH MURPHY, recognize that I have been hired by Aavid Thermal Technologies, Inc. as a temporary employee. I understand that I will remain in this status as a temporary employee unless Aavid Thermal Technologies, Inc. takes further action to change the category of my employment. No change in status will be effective unless prepared in writing and signed by an officer of Aavid Thermal Technologies, Inc. or an officer's designee.

I understand that if I accept an offer from Aavid Thermal Technologies, Inc., to become a regular Aavid employee, that this job offer is contingent upon passing a pre-employment physical examination which includes a drug screening test.

I understand that, as a temporary employee, my employment with Aavid Thermal Technologies, Inc. may be terminated immediately at any time, for any reason or no reason, solely at the Company's option. By signing this Acknowledgment, I accept employment as a temporary employee with Aavid Thermal Technologies, Inc. based upon these terms and conditions of employment.

Date:

5-15-97

  
Employee's Signature

\_\_\_\_\_  
Witness

00508

## NEW EMPLOYEE SAFETY TRAINING CHECK LIST

To be filled out by new employee the first day of employment and forwarded to the Manager of Loss Prevention.

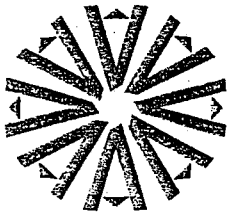
Employee Name: <sup>(Jim)</sup> SEIDIDIAH MURPHY Date: 5-15-97  
PLEASE PRINT

SUBJECT MATTER	EMPLOYEE INITIALS
1 Safe job operating procedures.	
2 Potential department hazard conditions and safe operating procedures. EX.: lockout; tagout; hazcom	Jim
3 First-aid treatment: Where and to whom to report.	Jim
4 Reporting unsafe conditions and practices.	Jim
5 Report all accidents and near-accidents immediately.	Jim
6 Loss Prevention Committee: Its function and members.	Jim
7 Smoking Rules	Jim
8 How to report a fire. Location and proper use of fire extinguishers nearest employee's work area, nearest exit.	Jim
9 Horseplay, throwing, kicking, practical jokes, shouting, running, jumping, short-cutting and distracting.	Jim
10 Personal protective equipment -- Where and how to use it: eyes; feet; hearing; body.	Jim
11 Rules pertaining to working on and entering tanks.	Jim
12 Lifting truck safety: Proper operation; no riders; no unauthorized use.	Jim
13 Compressed air. Not to be used for cleaning clothing or body; use caution in the presence of others.	Jim
14 Proper lifting: Manual and mechanical.	Jim
15 Proper use of ladders.	Jim
16 Proper clothing -- no loose clothing, rings, or sandals.	Jim
17 Housekeeping practices.	Jim
18 Suggestions for improving job or plant safety.	Jim
19 Eyewash location.	Jim

31056RES

EMPCKLT.DOC

00509



# AAVID<sup>TM</sup>

THERMAL TECHNOLOGIES, INC.

08/07/97

## OPERATOR/INSPECTOR CERTIFICATION FORM

OPERATOR/INSPECTOR: <i>Jim Murphy</i>		MACHINE/AREA: Debur		TRAINER: <i>D. Houston</i>	
<b>RECEIVING OF MATERIALS:</b> (1) Extrusion characteristics <input type="checkbox"/> (2) Quantity verification/counting <input type="checkbox"/> (3) Damage verification <input type="checkbox"/> (4) Purchase Order/Receiving Documentation verification <input type="checkbox"/> (5) Appropriate Chemical Deburring (i.e., burrs, caustic residue, hole deformation, discoloration, plugs are still in the blind holes) <input type="checkbox"/>		<b>CNC METHODS:</b> (1) Tooling <input type="checkbox"/> (2) Machine Setup <input type="checkbox"/> (3) Part Loading and Unloading <input type="checkbox"/> (4) Fixture Sequence <input type="checkbox"/> (5) Coolant Removal Practice <input type="checkbox"/> (6) SPC Requirements <input type="checkbox"/>			
<b>SAW METHODS:</b> (1) Machine Setup <input type="checkbox"/> (2) Saw Sharpness <input type="checkbox"/> (3) SPC Requirements <input type="checkbox"/> (4) Dimensional Characteristics <input type="checkbox"/> (5) <i>All Debur Tables Wheel Debur Methods</i> <input checked="" type="checkbox"/> <i>DSH</i>		<b>PAD MACHINE:</b> (1) Machine Setup <input type="checkbox"/> (2) Pad Application (i.e., pad adherence to the part surface, no bubbles, no scratches, appropriate heat, pad centered between 6.0 mm clip) <input type="checkbox"/>			
<b>APPROPRIATE STRAIGHTENING:</b> (1) Dial Indicator Methods <input type="checkbox"/> (2) Verify Dial Indicator Setting <input type="checkbox"/> (3) Part Straightness Requirements <input type="checkbox"/> (3) .112 ± .005 Print Requirements <input type="checkbox"/> (4) SPC Requirements <input type="checkbox"/>		<b>PACKAGING AND SHIPPING:</b> (1) Appropriate Part Cleanliness <input type="checkbox"/> (2) Part Identification <input type="checkbox"/> (3) Bar Code Label <input type="checkbox"/> (4) Part insertion into the box (i.e., bottom in the upwards position so as to view the .750 fin cut-out) <input type="checkbox"/>			
<b>COMMENTS:</b> <i>825-1665 Motorola</i> DATE / TIME: <i>8-8-97</i>		<b>INSPECTION:</b> (1) Process verification <input type="checkbox"/> (2) W.O. completion <input type="checkbox"/> (3) Print requirements <input type="checkbox"/> (4) Verification of the SPC data <input type="checkbox"/> (5) Box Audit Report <input type="checkbox"/> (6) Quality Improvement Implementation Plan <input type="checkbox"/> (7) Complete knowledge of the part process <input type="checkbox"/>			

00510

**Form W-4 (1995)****Want More Money In Your Paycheck?**

If you expect to be able to take the earned income credit for 1995 and a child lives with you, you may be able to have part of the credit added to your take-home pay. For details, get Form W-5 from your employer.

**Purpose.** Complete Form W-4 so that your employer can withhold the correct amount of Federal income tax from your pay.

**Exemption From Withholding.** Read line 7 of the certificate below to see if you can claim exempt status. If exempt, complete line 7; but do not complete lines 5 and 6. No Federal income tax will be withheld from your pay. Your exemption is good for 1 year only. It expires February 15, 1996.

**Note:** You cannot claim exemption from withholding if (1) your income exceeds \$650 and includes unearned income (e.g., interest

and dividends) and (2) another person can claim you as a dependent on their tax return.

**Basic Instructions.** Employees who are not exempt should complete the Personal Allowances Worksheet. Additional worksheets are provided on page 2 for employees to adjust their withholding allowances based on itemized deductions, adjustments to income, or two-earner/two-job situations. Complete all worksheets that apply to your situation. The worksheets will help you figure the number of withholding allowances you are entitled to claim. However, you may claim fewer allowances than this.

**Head of Household.** Generally, you may claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals.

**Nonwage Income.** If you have a large amount of nonwage income, such as interest or dividends, you should consider making

estimated tax payments using Form 1040-ES. Otherwise, you may find that you owe additional tax at the end of the year.

**Two Earners/Two Jobs.** If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one Form W-4. This total should be divided among all jobs. Your withholding will usually be most accurate when all allowances are claimed on the W-4 filed for the highest paying job and zero allowances are claimed for the others.

**Check Your Withholding.** After your W-4 takes effect, you can use Pub. 919, Is My Withholding Correct for 1995?, to see how the dollar amount you are having withheld compares to your estimated total annual tax. We recommend you get Pub. 919 especially if you used the Two Earner/Two Job Worksheet and your earnings exceed \$150,000 (Single) or \$200,000 (Married). Call 1-800-829-3676 to order Pub. 919. Check your telephone directory for the IRS assistance number for further help.

**Personal Allowances Worksheet**

A	Enter "1" for yourself if no one else can claim you as a dependent . . . . .	A	<u>1</u>
B	Enter "1" if: • You are single and have only one job; or • You are married, have only one job, and your spouse does not work; or • Your wages from a second job or your spouse's wages (or the total of both) are \$1,000 or less. . . . .	B	<u>    </u>
C	Enter "1" for your spouse. But, you may choose to enter -0- if you are married and have either a working spouse or more than one job (this may help you avoid having too little tax withheld) . . . . .	C	<u>0</u>
D	Enter number of dependents (other than your spouse or yourself) you will claim on your tax return . . . . .	D	<u>1</u>
E	Enter "1" if you will file as head of household on your tax return (see conditions under Head of Household above) . . . . .	E	<u>1</u>
F	Enter "1" if you have at least \$1,500 of child or dependent care expenses for which you plan to claim a credit . . . . .	F	<u>0</u>
G	Add lines A through F and enter total here. Note: This amount may be different from the number of exemptions you claim on your return . . . . .	G	<u>3</u>

For accuracy, do all worksheets that apply.

- If you plan to itemize or claim adjustments to income and want to reduce your withholding, see the Deductions and Adjustments Worksheet on page 2.
- If you are single and have more than one job and your combined earnings from all jobs exceed \$30,000 OR if you are married and have a working spouse or more than one job, and the combined earnings from all jobs exceed \$50,000, see the Two-Earner/Two-Job Worksheet on page 2 if you want to avoid having too little tax withheld.
- If neither of the above situations applies, stop here and enter the number from line G on line 5 of Form W-4 below.

----- Cut here and give the certificate to your employer. Keep the top portion for your records. -----

<b>Form W-4</b> Department of the Treasury Internal Revenue Service		<b>Employee's Withholding Allowance Certificate</b> ▶ For Privacy Act and Paperwork Reduction Act Notice, see reverse.		OMB No. 1545-0010 <b>1995</b>
1 Type or print your first name and middle initial <u>JEDIDIAH</u>		Last name <u>MURPHY</u>		2 Your social security number <u>456 71 2610</u>
Home address (number and street or rural route) <u>6305 FM 429</u>		3 <input type="checkbox"/> Single <input type="checkbox"/> Married <input checked="" type="checkbox"/> Married, but withhold at higher Single rate. Note: If married, but legally separated, or spouse is a nonresident alien, check the Single box		
City or town, state, and ZIP code <u>KAUFMAN</u>		4 If your last name differs from that on your social security card, check here and call 1-800-772-1213 for a new card . . . . . <input type="checkbox"/>		
5 Total number of allowances you are claiming (from line G above or from the worksheets on page 2 if they apply) . . . . .		5 <u>3</u>		
6 Additional amount, if any, you want withheld from each paycheck . . . . .		6 \$ <u>    </u>		
7 I claim exemption from withholding for 1995 and I certify that I meet BOTH of the following conditions for exemption: • Last year I had a right to a refund of ALL Federal income tax withheld because I had NO tax liability; AND • This year I expect a refund of ALL Federal income tax withheld because I expect to have NO tax liability. If you meet both conditions, enter "EXEMPT" here . . . . . ▶ <u>7</u>				
Under penalties of perjury, I certify that I am entitled to the number of withholding allowances claimed on this certificate or entitled to claim exempt status.				
Employee's signature ▶ <u>Jim Murphy</u>		Date ▶ <u>5-15-97</u> , 19 <u>97</u>		
8 Employer's name and address (Employer: Complete 8 and 10 only if sending to the IRS)		9 Office code (optional)		10 Employer identification number

Presbyterian  
Occupational  
Health  
Network

214-524-4053

214-563-0573

*The health of your employees is our business.*

A Resource of Presbyterian Hospital of Greenville  
724-B East Moore Avenue, Terrell, Texas 75160

Fax 214-563-0947

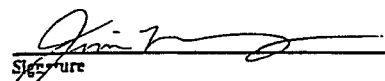
### CONSENT AND RELEASE FOR DRUG SCREENING

The undersigned hereby authorizes Presbyterian Occupational Health Network to conduct through its designated physician, medical facility, or laboratory testing facility, a drug screening test.

I understand that a drug screening test will be administered to determine the presence of certain drugs and substances, such as illegal drugs, controlled substances, marijuana, mood or mind-altering substances, "look-alike" substances, designer and synthetic drugs, certain inhalants, and unauthorized prescription drugs.

I release and hold the designated physician, testing laboratory, and medical facility harmless for release of this information. I also release and hold harmless Presbyterian Occupational Health Network, its directors, officers, stockholders, and employees for the use of this information.

**STATE LAW: PICTURE IDENTIFICATION REQUIRED BEFORE ANY SCREENING TEST CAN BE PERFORMED.**

<u></u> Signature	<u>JEREMIAH I. MURPHY</u> Printed Name
<u>456-71-2610</u> Social Security Number	<u>09-01-75</u> Date of Birth
<u>6305 FM 429</u> Home Address	<u>972-962-7443</u> Day Time Phone #
<u>AAUID</u> Company Requesting Drug Screen	<u>5-15-97</u> Today's Date

OPTIONAL: YOU MAY LIST ANY PRESCRIPTION AND OVER-THE COUNTER MEDICATION TAKEN WITHIN THE LAST MONTH

VICAPIN - ADUIL  
HYDROCODONE



Quest  
Diagnostics

4770 RUGEN BLVD.  
IRVING, TN 37063  
972-616-3800 / 800-424-6100

Presby Group: Hill/Torrell  
3900 Joe Ramsey Blvd E  
Ste #B  
Terrell, TX 75401-7763

(2093/)

LAB NUMBER 98913098-6 REQ POR13461-7  
PATIENT MURPHY, JEDIDIAH I  
AGE 21Y DOB 09/01/75  
SEX M  
ID. ON ROOMED  
REPORT STATUS Final Report  
DATE REPORTED 05/15/97, 02:33 AM  
DATE/TIME COLL 05/15/97, 11:00 AM  
DATE RECEIVED 05/15/97, 09:22 PM  
ACCOUNT 15258  
REQ. PHYSICIAN NG  
FASTING NG

Result Name In Range/Interp Out of Range Reference Units

456-71-2610 - VICADIN-ADVIL-HYDROCODONE

nd A300, M50, P75:

Amphetamines	NOT DETECTED	300 ng/mL
Barbiturates	NOT DETECTED	200 ng/mL
Benzodiazepines	NOT DETECTED	200 ng/mL
Cocaine	NOT DETECTED	300 ng/mL
Marijuana	NOT DETECTED	50 ng/mL
Methadone	NOT DETECTED	300 ng/mL
Methaqualone	NOT DETECTED	300 ng/mL
Opiates	NOT DETECTED	300 ng/mL
Phencyclidine	NOT DETECTED	75 ng/mL
Propoxyphene	NOT DETECTED	300 ng/mL
Integrity Check	15	L SEE REMARK ng/dL

The "Integrity check" result shown above is creatinine, a normal constituent of urine used to monitor dilution of the specimen. A value of 20 or greater is considered to be within normal limits, while a value less than 20 may be due to increased fluid intake, adulteration or substitution of the specimen, or a medical condition of the donor.

Interpretation of immunoassay results which may appear above -

"NOT DETECTED" indicates that the drug or drug family is not present at or above the cutoff level listed under "Reference."

"SEE CONFIRM" indicates that an additional analysis is required. Confirmation testing is in process.

We recommend that results be reviewed by a physician who has knowledge of substance abuse disorders and testing methods.

Tests Ordered: Ind A300, M50, P75

End of Report ( MURPHY, JEDIDIAH I - 98913098-6 )

Results of Urine Drug Screen reported to:

Company Representative: Linda B

Date: 5/16/97 Time: 1415

POHN Nurse making report: DM

00513

PRESBYTERIAN HOSPITAL OF GREENVILLE  
3910 Wesley  
Greenville, TX 75401

Audio Testing for  
AAVID TECHNOLOGIES  
TERRELL  
Report Date: 05/15/97

SSN:	456712610	Sex: Male
Badge:		
Name:	MURPHY, JIM	DOB: 09/01/75
Company:	AAVID TECHNOLOGIES	
Location:	TERRELL	
Department:	UNKNOWN	
Occupation:		

	LEFT								RIGHT							
	500	1k	2k	3k	4k	6k	8k		500	1k	2k	3k	4k	6k	8k	
05/15/97	15	10	5	0	5	15	5		10	15	5	5	5	15	10	
Age adj	15	5	2	-4	0	7	5		10	10	2	1	0	7	10	

The results of your hearing test showed that your hearing is within normal limits at all test frequencies (pitches).

This is your first test (baseline) in the program. Future hearing tests will be compared to this one to find any change in your hearing.

No otoscopic information was available.

It is important to have your hearing tested annually and to wear hearing protection on and off the job when exposed to loud noise.

Jim Murphy  
Employee Signature  
\*Age correction used for STS calculations.

5-15-97  
Date

Threshold Shifts and Baseline Revisions Should be Confirmed by an Audiologist, Otolaryngologist, or Other Physician.



**Presbyterian Occupational Health Network**  
**HEARING TEST QUESTIONNAIRE**

Name: MURPHY JIM I Date: 5-15-97  
Last First M.I.

Date of Birth: 09-01-75 Height: 5-11 Weight: 145

Sex: M Race W Social Security No. 456-71-2610

Company: AAVID Dept. N/A

Job Title: N/A Shift: 3RD Hire Date: 6.75

**AUDITORY HISTORY:**

Y or N

Do you wear any type of hearing protection (ear plugs, etc.)?	<u>Y</u>
Anyone in your family have hearing loss before age 50?	<u>N</u>
Do you have difficulty hearing?	<u>N</u>
Do you wear a hearing aid?	<u>N</u>
Do you have ringing in your ears?	<u>N</u>
Do you have frequent or severe dizziness?	<u>N</u>
Have you had a cold or flu within the last two weeks?	<u>N</u>
Do you have frequent allergy problems?	<u>N</u>
Have you ever had any of the following (please circle those that apply):	<u>N</u>
measles? scarlet fever? diabetes?	
mumps? meningitis? high blood pressure?	
Have you taken any medication or antibiotics in the last month?	<u>Y</u>
Do you or have you had a recent ear infection?	<u>N</u>
Do you or have you had any recent ear drainage?	<u>N</u>
Do you or have you had a recent earache?	<u>N</u>
Are you under a physician's care for ear problems?	<u>N</u>
Have you ever had ear surgery?	<u>N</u>
Have you ever been exposed to any loud explosion?	<u>Y</u>
Have you ever had a head injury causing unconsciousness?	<u>Y</u>
Have you ever shot firearms - sport or military?	<u>Y</u>
Do you listen to loud music or play in a band?	<u>Y</u>
Do you have any noisy hobbies (motorcycles, power tools)?	<u>Y</u>
Have you ever operated power driven farm equipment?	<u>Y</u>
Have you ever operated construction equipment?	<u>Y</u>
Have you worked at a noisy job prior to your current one?	<u>Y</u>
Do you have a second job that is noisy?	<u>N</u>

Comments: I'M AN OPERATOR  
OF A BACKHOE

Signature: Jim Murphy

Reviewed by: Charles Newman

(R) EXCESSIVE  
WAX

00515

# RELIASIA

EMPLOYEE BENEFITS

## EMPLOYEE ENROLLMENT FORM

☐ OPEN ENROLLMENT  
☒ NEW HIRE  
☐ COBRA  
☐ OTHER

PLEASE PRINT OR TYPE. Fill out all that applies. Use another form if more space is needed.

## SECTION 1: COMPLETE ALL THAT APPLIES TO THE EMPLOYEE.

NAME OF EMPLOYER / PLAN SPONSOR <b>AAVID THERMAL TECHNOLOGIES, INC.</b>		MEDICAL EFFECTIVE DATE		GROUP/PLAN NUMBER <b>ASO-26566-7</b>	
EMPLOYEE NAME (Last First, Middle Initial) <b>MURPHY, Jeddiah I.</b>	GENDER <input type="checkbox"/> FEMALE <input checked="" type="checkbox"/> MALE	DATE OF BIRTH <b>9/10/75</b>	SOC. SECURITY # <b>456-71-2610</b>	TELEPHONE HOME (972) 962-7443 WORK (972) 563-2813	
JOB TITLE OR OCCUPATION <b>Press</b>	MARITAL STATUS <input type="checkbox"/> MARRIED <input checked="" type="checkbox"/> SINGLE	EMPLOYMENT STATUS <input type="checkbox"/> RETIRED <input type="checkbox"/> COBRA (See Section 6) <input checked="" type="checkbox"/> ACTIVE FULL-TIME <input type="checkbox"/> ACTIVE PART-TIME		DATE OF HIRE <b>5.15.97</b>	
EMPLOYEE ADDRESS (Street Address, City, State, Zip Code) <b>727 E. N. Commerce W. 113 Point, TX. 75169</b>					

## SECTION 2: COMPLETE FOR COVERED SPOUSE AND EACH COVERED DEPENDENT

SPOUSE/DEPENDENT NAME (Last, First, Middle Initial)	RELATIONSHIP TO EMPLOYEE	GENDER (F or M)	DATE OF BIRTH	SOC. SECURITY #	MARITAL STATUS	EMPLOYED? (Y or N)	STUDENT? (Y or N)

## SECTION 3: NWNL COVERAGE SELECTION (CHECK ALL THAT APPLY)

MEDICAL	<input type="checkbox"/> 1 PERSON <input type="checkbox"/> 2 PERSON	<input type="checkbox"/> FAMILY	<input type="checkbox"/> DECLINE COVERAGE
BASIC LIFE/AD&D/STD			
<input type="checkbox"/> EFFECTIVE DATE			

## SECTION 4: COMPLETE IF ANY COVERED PERSON HAS COVERAGE WITH ANOTHER INSURANCE CARRIER / HEALTH PLAN PROVIDER

EMPLOYEE/SPOUSE/DEPENDENT NAME (Last, First, Middle Initial)	NAME and ADDRESS of OTHER INSURANCE CARRIER/HEALTH PLAN PROVIDER	POLICY/PLAN NUMBER	EFFECTIVE DATE	OTHER COVERAGE TYPE
<b>N/A</b>				<input type="checkbox"/> MEDICAL <input type="checkbox"/> SINGLE <input type="checkbox"/> FAMILY
				<input type="checkbox"/> MEDICAL <input type="checkbox"/> SINGLE <input type="checkbox"/> FAMILY

## SECTION 5: COMPLETE IF LIFE / AD&amp;D COVERAGE WAS SELECTED

GL-24205-5

BENEFICIARY NAME (If person, enter: Last, First, Middle Initial)	BENEFICIARY ADDRESS (Street Address, City, State, Zip Code)	PERCENT OF BENEFIT (Must add up to 100%)	RELATIONSHIP TO EMPLOYEE

## SECTION 6: COMPLETE ONLY IF APPLYING FOR COBRA CONTINUATION

QUALIFYING EVENT**	EVENT EFFECTIVE DATE	If other coverage, length of pre- existing clause in other coverage.	Were you disabled under the terms of the Social Security Act at the time of your termination of employment or reduction in hours? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT APPLICABLE

00516

To the best of my knowledge and belief the above information is correct. I understand that false or inaccurate information may result in the termination of coverage or the non-payment of benefits. I have also read and understand the authorization printed above and consent to its terms. PLEASE READ THE ABOVE RELEASE SECTION AND THEN SIGN →	EMPLOYEE'S SIGNATURE	DATE SIGNED
	<i>Judith Murphy</i>	6/6/97

**FOR EMPLOYER / PLAN SPONSOR USE ONLY**

EMPLOYMENT DATA IS ACCURATE: O YES O NO	SIGNATURE	DATE SIGNED	COVERAGE EFFECTIVE DATE	COBRA PAID-TO-DATE
		/ /	/ /	/ /

..

**INSTRUCTIONS FOR \*\* FIELDS ON THE FRONT OF THIS FORM** (Fields are listed alphabetically, by name)

**BENEFICIARY NAME:** Enter the name of a person, "My Estate" or the name of an organization. You can enter combinations (e.g., one beneficiary line may be a person's name, while a second beneficiary line may be an organization and a third beneficiary line be for "My Estate").

**COBRA QUALIFYING EVENT:** Enter one of the following: Employment Termination, Divorce, Legal Separation, Loss of dependent status, Medicare Entitlement, Death of employee, Reduction in hours.

**EMPLOYED:** Enter "Yes" if spouse or a dependent is employed (full-time or part-time). All else, leave blank.

**MARITAL STATUS:** Enter one of the following: Single, Married, Divorce, Widowed, Legally Separated.

**STUDENT:** Enter "Yes" if dependent is 19 years or older and a full-time student. All else, leave blank.



F00-02424-M

FILED

2001 JAN 16 AM 10:03

THE STATE OF TEXAS

§  
§  
§  
§  
§  
§  
§

IN THE 194<sup>TH</sup> JUDICIAL

JIM HAMLIN  
DISTRICT CLERK  
DALLAS CO., TEXAS  
DEPUTY

V.

DISTRICT COURT OF

JEDIDIAH ISAAC MURPHY

DALLAS COUNTY, TEXAS

**STATE'S PRODUCTION OF DOCUMENTS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the State of Texas by and through her Assistant District Attorney, Gregory

S. Davis, and respectfully shows:

I.

The State of Texas has on the 16th day of January, 2001, hand-delivered to opposing counsel

the following documents attached hereto:

1. Edgewood Police Department Case Report (Burglary - 4/5/94).
2. Edgewood Police Department Case Report (Burglary - 5/26/94).
3. Van Zandt County Sheriff's Office Report (Theft - 6/2/94).
4. Van Zandt County Sheriff's Office Report (Burglary - 6/2/94).
5. Van Zandt County Sheriff's Office Report (Burglary - 6/2/94).
6. Dallas Police Department Offense Report (Theft - 8/18/95).
7. Terrell Police Department Offense Report (Poss. MJ - 3/14/96).
8. Wills Point Police Department Offense Report (Agg. Asslt. - 8/17/97).
9. Arlington Police Department Incident Report (Kidnaping - 8/26/97).
10. Wichita Falls Police Department Crime Report (Robbery - 8/26/97).
11. Kaufman County Sheriff's Department Report (Evad. Arr. - 5/13/99).
12. Kaufman County Sheriff's Department Report (DWLS - 5/13/99).

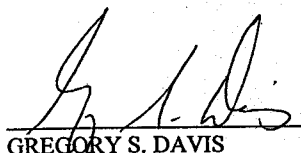
Respectfully submitted,



GREGORY S. DAVIS  
Assistant District Attorney  
Dallas County, Texas  
Bar No. 05493550

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing instrument was hand-delivered to  
opposing counsel on the 16th day of January, 2001.



GREGORY S. DAVIS

## City of Edgewood

P.O. BOX 377  
EDGEWOOD, TEXAS 75117

Disposition

Filed

## CASE REPORT

Date \_\_\_\_\_

Date \_\_\_\_\_

Court \_\_\_\_\_

With \_\_\_\_\_

Docket \_\_\_\_\_

By \_\_\_\_\_

Method \_\_\_\_\_

D. Corbett/ M. Bates

Disposition \_\_\_\_\_

Investigating Officers

M. Bates

Arresting Officers

Van Zandt Justice Center

Location of Defendant

Defendant JEDIDIAH ISAAC MURPHYRace W D.O.B. 09-01-75 Sex M Residence P. O. Box 885, Edgewood, Tx. 75117Date of Arrest June 3, 1994 Identification No. \_\_\_\_\_Place of Arrest Van Zandt Co. Justice Center Arrest No. \_\_\_\_\_Date and Time of Offense April 5th or April 6th 1994 @ 8:00 A.M. Offense No. 410-405-94Complainant Elizabeth Chaney Brown, 406 Shady Lane, P. O. Box 329, Edgewood, Texas 75117Where and How Committed 406 Shady Lane, Edgewood, Tx.; removed money from safe without owner permissionCharge Felony 1; P.C. 30.02 Burglary of a HabitationProperty Taken and Value (1) check from Commerce IDS, value \$518.00; (1) check from QuinlanISD, value \$523.00; Cash, (1) 100.00, (1) 50.00, the rest in 20's and 10's (TOTAL = \$2041.

Evidence and Seizures \_\_\_\_\_

Voluntary Statement Yes

Accomplices \_\_\_\_\_

Witnesses \_\_\_\_\_

Summary of Case Jedidiah Isaac Murphy was arrested by the Van Zandt County Sheriff'sDepartment on other charges. When questioned he gave a voluntary statement about theoffense which occurred in Edgewood, Texas.

00521

00522



## OFFENSE/INCIDENT REPORT

PAGE NO. 1 OF 1 PAGE

10. <u>April 6, 1994</u>		<u>Felony 1</u>		D.L. # <u>04766974</u>	
DATE OF REPORT		CLASSIFICATION		NO. <u>410-405-94</u>	
1 COMPLAINTANT OR FIRM		AGE RACE SEX		DOB	
<u>Elizabeth Chaney Erwin</u>		<u>White/Female</u>			
3 COMPLAINTANT'S ADDRESS		4 CITY		2 PHONE (BUSINESS)	
<u>406 Shady Lane/P.O. Box 329</u>		<u>Edgewood, Texas 75117</u>		<u>(903) 356-4584</u>	
5 COMPLAINTANT'S BUSINESS OR SCHOOL		ADDRESS		5 PHONE (RESIDENCE)	
				<u>(903) 896-1185</u>	
		JOB TITLE (GRADE)		WILL COMPLAINTANT PROSECUTE?	
				<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
7 OFFENSE/INCIDENT (AS REPORTED)		8 LOCATION		9 TYPE PREMISES	
<u>P.C. 30.02 Burglary of a Habitation</u>		<u>406 Shady Ln., Edgewood, Tx.</u>		<u>Residence</u>	
10 DAY DATE & TIME OF OFFENSE		11 REPORTED BY		12 REPORTED TO	
<u>7:45 A.M. 04-05-94 &amp; 8 A.M. 04-06-94</u>		<u>#1</u>		<u>EPD</u>	
13 HOW REPORTED		14 BODILY INJURIES		15 TRANSPORTED BY	
<u>In Person on 04-06-94 9:00</u>		<u>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></u>		<u>N/A</u>	
16 DESC. INJURIES		17 CONDITION		18 M/O	
<u>N/A</u>		<u>N/A</u>		<u>HOW DONE</u>	
				<u>FORCE USED</u>	
				<u>WITH WHAT TOOL OR WEAPON</u>	
				<u>OTHER ACTS OR TRADEMARKS</u>	
				<u>By removing money from the safe without the owners permission</u>	
19 VEHICLE INVOLVED? OWNER		20 YEAR COLOR MAKE MODEL BODY STYLE LIC. NO. YEAR STATE VIN NO.			
<u>NO <input type="checkbox"/> YES <input type="checkbox"/></u>					
21 PROPERTIES					
CODE	QTY	DESCRIPTION	SERIAL NO.	WHERE PURCHASED	VALUE
<u>S</u>	<u>1</u>	<u>Check from Commerce ISD</u>			<u>\$ 518.00</u>
<u>S</u>	<u>1</u>	<u>Check from Quinlan ISD</u>			<u>\$ 523.00</u>
<u>S</u>		<u>Cash (1) 100.00, (1) 50.00</u>			<u>\$1000.00</u>
		<u>the rest in 20's and 10's</u>			
22 DISPOSITION OF PROPERTY					23 TOTAL VALUE
					<u>\$2041.00</u>
24 WITNESSES NAME		BEST CONTACT ADDRESS		AGE	BEST PHONE
1.					OTHER PHONE
2.					
25 NAME AND ADDRESS OF SUSPECT(S) (AGE, RACE, DESCRIPTION, RELATION TO COMPLAINTANT OR WITNESS)					
1.					
2.					
26 DETAILS NOT COVERED ABOVE					

Comp. advised she had seen the money at about 7:45 A.M. on the 5th of April and noticed it missing on the 6th of April at 8:00 A.M. The two checks were made out to Comp. She called first thing and stopped payment on both checks.

00523

WAIVER OF RIGHTS

ON THE 2 DAY OF June, 1994, at 11:30  
A.M., Chas. Dela Corbett, advised me \_\_\_\_\_  
Jim Murphy, that I had the  
 right to remain silent and not make any statement at all; that any  
 statement I made could be used against me at my trial; that any  
 statement I made could be used as evidence against me in court;  
 that I had the right to have a lawyer present to advise me prior  
 to and during any questioning; that if I was unable to employ or  
 hire a lawyer, I had the right to have a lawyer appointed to advise  
 me prior to and during any questioning; that I had the right to  
 terminate the interview or questioning at any time; and that if I  
 so desired, an attorney would be called to assist me and no questions  
 would be asked me until the attorney arrived. Having been informed  
 of these rights, prior to any questioning by officers, and under-  
 standing my rights, I hereby freely, intelligently, voluntarily  
 and knowingly waive or give up these rights and not desiring a  
 lawyer, voluntarily choose to make a written statement concerning  
 the allegations against me.

Jim Murphy  
 SIGNATURE OF SUBJECT

Edgewood  
Police, a member of the VAN ZANDT  
SHERIFF'S DEPARTMENT, on the 2<sup>nd</sup> day of June, 1994,  
 at 11:30 A.M., administered the foregoing warning to Jedidiah  
ISAAC Murphy, before commencing an interview  
 with him. He (signed) (did not sign) the waiver.

[Signature]  
 SIGNATURE OF OFFICER

WITNESSES:

[Signature]

00524

ORDER FROM  
LAW ENFORCEMENT SYSTEMS, INC.P.O. BOX 1835 CORSICANA, TEXAS 75110  
(214) 872-2511

FORM A-150

981817-3

## VOLUNTARY STATEMENT

DATE 19 Jul TIME        M. PLACE Emin Residence  
 I, Johnathan James Murphy, am 19 years old and I live at Edgewood  
City Lake

I am giving this statement to Dale Cockett EPD. NO. 301, who has identified himself as a Police Officer

and he has duly warned me that I have the following rights: that I have the right to remain silent and not make any statement at all; that any statement I make may be used against me at my trial; that any statement I make may be used as evidence against me in court; that I have the right to have a lawyer present to advise me prior to and during any questioning; that if I am unable to employ a lawyer, I have the right to have a lawyer appointed to advise me prior to and during any questioning and that I have the right to terminate the interview at any time.

Prior to and during the making of the statement, I have and do hereby knowingly, intelligently, and voluntarily waive the above explained rights and I do make the following voluntary statement to the aforementioned person of my own free will and without any promises or offers of leniency or favors, and without compulsion or persuasion by any person or persons whomsoever:

I was at the Emin Residence with Ted Emin when we had decided to ride around a drink some beer we rode back roads for approximately an hour in 15 minutes when Ted informed me he was going to play Dingo with his mom and his girlfriend. After they had left I continued to drink beer for approximately another hour when I realized that I knew where the key to Ted's house was. I removed the key for the fire box on the back porch entering the house from the back. I went to his mother's room to the safe on the or removing an envelope containing 3000 cash and couple of checks, leaving the house I got into truck and took the back way to Mills Point spending of the envelope and the checks. I spent money on such things as beer and just getting off.

I have read this statement consisting of 1 page(s), each page of which bears my signature, and I do affirm that all facts and statements contained herein are true and correct.

Johnathan James Murphy  
 Signature of person making voluntary statement

The above warnings were given by and

00525

THE STATE of TEXAS )  
COUNTY of VAN ZANDT )

X  
ARREST WARRANT AFFIDAVIT  
X

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned affiant, who, after being by me duly sworn on oath deposes and says: My name is Sergeant Michael A. Bates, and I have good reason to believe and do believe that on or about the 5th or 6th day of April, 1994, in Van Zandt County, Texas, JEDIDIAH ISAAC MURPHY W/M D.O.B. 09-01-75 did then and there commit the offense of P.C. 30.03 Burglary of a Habitation a (felony) ~~in~~ that he/she did then and there: intentionally and knowingly without the effective consent of Elizabeth Chaney Erwin, the owner thereof, enter a habitation and did attempt to commit theft.

My belief is based upon the following facts and information: Your Affiant, Mike Bates, is employed by the Edgewood Police Department and is currently assigned as Sergeant of the Patrol Division of said department. Your Affiant is responsible for investigation of criminal activity in the City of Edgewood.

On April 6, 1994, Edlizabeth Chaney Erwin, 406 Shady Lane/P.O. Box 329, Edgewood, Texas, reported an offense of Burglary of a Habitation to the Edgewood Police Department. Erwin reported sometime between Tuesday, April 5, 1994, and Wednesday, April 6, 1994, at approximately 8:00 A.M., person(2) had entered her residence without her permission or consent and removed an envelope from the safe in her residence which contained two (2) checks made out to Comp. One from Commerce ISD for \$518.00 and one from Quinlan ISD for \$523.00, and also \$1000.00 in cash, was removed from the safe.

On Thursday, June 2, 1994, Jedidiah Isaac Murphy was arrested on other charges placed in the Van Zandt County Jail. Deputy James Rose contacted Chief Dale Corbett and advised he needed to talk to Jedidiah Isaac Murphy because he could clear up some burglaries which occurred in the City of Edgewood. Chief Dale Corbett went to the County Jail and Jedidiah Isaac Murphy, after being advised of his rights, gave a voluntary statement on committing the burglary of the Erwin residence.

Jedidiah Isaac Murphy advised that he had been drinking beer all day when he realized that he knew where the key to Jed Erwin's house was. He advised that he removed the key from a box on the back porch, entering the house from the back. He went to Jed's mothers room to the safe on the floor, removing an envelope containing \$300.00 cash and a couple of checks. He left the house, left in his pick-up truck and took the back way to Wills Point, Texas, disposing of the envelope and the checks. He advised that he spent the money on such things as beer and just "goofing off".

WARRANT NO. 1-AU 94180

THE STATE OF TEXAS

X

WARRANT OF ARREST

COUNTY OF VAN ZANDT

X

TO ANY PEACE OFFICER OF THE STATE OF TEXAS:

The undersigned Magistrate having heretofore found that probable cause exists for the issuance of this warrant you are hereby commanded to arrest JEDIDIAH ISAAC MURPHY, hereinafter referred to as the suspect, and bring the said suspect before a Magistrate in and for VAN ZANDT, COUNTY, TEXAS, instantler, then and there to answer the STATE of TEXAS for an offense against the laws of said State, to wit: P.C. 30.02 Burglary of a Habitation of which offense he, the suspect is accused by the written affidavit, under oath of

Sergeant Michael A. Bates filed before me anterior to the issuance of this warrant.

Herein fail not and due return make hereof at the place hereinafter named.

Witness my official signature this the 3<sup>rd</sup> day of June A.D., 19 94

Recommended Bond:

\$ 5,000.00 XX

Sherry Manning  
Magistrate in and for VAN ZANDT CO  
TEXAS

Justice of Peace, Pct. one  
Title and Office held by Magistrate

P.O. Box 189, Grand Saline, Tex. 75  
Address of Magistrate

Came on to hand on the 3<sup>rd</sup> day of JUNE, 19 94  
and executed on the 3<sup>rd</sup> day of JUNE, 19 94

BY: St. Bates

00527

## City of Edgewood

P.O. BOX 377  
EDGEWOOD TEXAS 75117

Disposition

Filed

## CASE REPORT

Date \_\_\_\_\_

Date \_\_\_\_\_

Court \_\_\_\_\_

With \_\_\_\_\_

Docket \_\_\_\_\_

By \_\_\_\_\_

Method \_\_\_\_\_

D. CORBETT/M. BATES  
Investigating Officers

Disposition \_\_\_\_\_

M. BATES  
Arresting OfficersVAN ZANDT JUSTICE CENTER  
Location of Defendant

Defendant JEDIDIAH ISAAC MURPHY

Race W D.O.B. 09/01/75 Sex M Residence P.O. Box 885 EDGEWOOD Tx. 75117

Date of Arrest JUNE 3rd, 1994 Identification No. \_\_\_\_\_

Place of Arrest VAN ZANDT CO. JUSTICE CENTER Arrest No. \_\_\_\_\_

Date and Time of Offense MAY 26th or 27th, 1994 Offense No. 430-526-94

Complainant DEBBIE ARMSTRONG-RICK 2 Box 373-C CANTON TX (903) 829-8500

Where and How Committed 503 CEDAR St. EDGEWOOD Tx./Removed property without owner's consent

Charge P.C. 30.04 BURGLARY of a MOTOR VEHICLE F/3

Property Taken and Value small black make-up bag 450.00

MOTOROLA BAG PHONE ESN 13003774900 \$450.00 (214) 802-4738

Evidence and Seizures N/A

Voluntary Statement YES

Accomplices TRESSHOD MONTRELL TARRANT B/M 01-16-74

Witnesses \_\_\_\_\_

Summary of Case JEDIDIAH MURPHY was arrested by the Van Zandt Sheriff's Department

on other charges and when questioned he gave a voluntary statement about the offenses  
which occurred in the City of Edgewood.

00528

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FORM A - 110

ORDER FROM  
LAW ENFORCEMENT SYSTEMS, INC.

(C) 1978

P.O. BOX 1835 CORSIKANA, TEXAS 75151  
1-800-527-6447

882270-AK

88847

## OFFENSE/INCIDENT REPORT

PAGE NO. 1 OF 1 PAGE

O. 06-01-94 P.C. 30.04 Burglary of a vehicle NO. 430-526-94  
DATE OF REPORT CLASSIFICATION

COMPLAINANT OR FIRM <u>Debbie Armstrong</u>		AGE RACE SEX <u>White/Female</u>	DOB <u></u>	2 PHONE (BUSINESS) <u></u>	
COMPLAINANT'S ADDRESS <u>Route 2, Box 373-D</u>		4 CITY <u>Canton, Texas</u>		5 PHONE (RESIDENCE) <u>(903) 829-8500</u>	
COMPLAINANT'S BUSINESS OR SCHOOL <u>E.I.S.D.</u>		ADDRESS <u>Edgewood, Texas</u>	JOB TITLE (GRADE) <u>Teacher</u>	WILL COMPLAINANT PROSECUTE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
OFFENSE/INCIDENT (AS REPORTED) <u>Burglary of a vehicle</u>		8 LOCATION <u>503 Cedar St. Edgewood, Tx.</u>	ADDRESS <u></u>	9 TYPE PREMISES <u>Residence</u>	
10 DAY DATE & TIME OF OFFENSE <u>05-26-94 - 05-27-94</u>		11 REPORTED BY <u>#1</u>	12 REPORTED TO <u>EPD</u>	13 HOW REPORTED <u>Phone</u>	
14 BODILY INJURIES YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		VICTIM TAKEN TO <u>N/A</u>	15 TRANSPORTED BY <u>N/A</u>	16 DESC. INJURIES <u>N/A</u>	17 CONDITION <u>N/A</u>
8 M/O HOW DONE <u>Entered unlocked vehicle and removed property without owner's permission</u>		FORCE USED <u></u>		WITH WHAT TOOL OR WEAPON <u></u>	
9 VEHICLE INVOLVED? OWNER NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>		20 YEAR COLOR MAKE MODEL BODY STYLE LIC. NO. YEAR STATE VIN NO. <u>'89 Grand-Prix Red Lic. No. 563 XSX</u>			

CODES:		S—STOLEN PROPERTY	D—DAMAGED PROPERTY	L—LOST PROPERTY	F—FOUND PROPERTY
CODE S-D-L-F	QTY.	DESCRIPTION (SIZE, COLOR, MODEL, STYLE, MATERIAL, CONDITION)	SERIAL NO.	WHERE PURCHASED	VALUE
S	1	make-up (small black bag)			\$450.00
S	1	Motorola Bcg Phone (214) 802-4738 Phone No.	ESN 13003774900		\$450.00
22 DISPOSITION OF PROPERTY					23 TOTAL VALUE \$900.00

24 WITNESSES NAME		BEST CONTACT ADDRESS	AGE	BEST PHONE	OTHER PHONE
1. WITNESSES NAME		BEST CONTACT ADDRESS	AGE	BEST PHONE	OTHER PHONE
2. WITNESSES NAME		BEST CONTACT ADDRESS	AGE	BEST PHONE	OTHER PHONE
25 NAME AND ADDRESS OF SUSPECT(S) (AGE, RACE, DESCRIPTION, RELATION TO COMPLAINANT OR WITNESS)					
1. <u></u>					
2. <u></u>					
26 DETAILS NOT COVERED ABOVE					

Unknown person or persons entered unlocked vehicle and removed above property without owners permission. Owner stated S.W. Bell disrupted services on Friday afternoon 05-27-94

00530



WAIVER OF RIGHTS

ON THE 2 DAY OF JUNE, 1994, at 11:30  
A.M., Chief Dale Corbett, advised me Jim Murphy  
 that I had the right to remain silent and not make any statement at all; that any statement I made could be used against me at my trial; that any statement I made could be used as evidence against me in court; that I had the right to have a lawyer present to advise me prior to and during any questioning; that if I was unable to employ or hire a lawyer, I had the right to have a lawyer appointed to advise me prior to and during any questioning; that I had the right to terminate the interview or questioning at any time; and that if I so desired, an attorney would be called to assist me and no questions would be asked me until the attorney arrived. Having been informed of these rights, prior to any questioning by officers, and understanding my rights, I hereby freely, intelligently, voluntarily and knowingly waive or give up these rights and not desiring a lawyer, voluntarily choose to make a written statement concerning the allegations against me.

Jim Murphy  
 SIGNATURE OF SUBJECT

Edgewood  
Edgewood, a member of the VAN ZANDT  
Police Department, on the 2<sup>nd</sup> day of June, 1994,  
 at 11:30 A.M., administered the foregoing warning to Jedidiah  
ISAAC Murphy, before commencing an interview  
 with him. He (signed) (did not sign) the waiver.

[Signature]  
 SIGNATURE OF OFFICER

WITNESSES:

[Signature]

00531

ORDER FROM  
LAW ENFORCEMENT SYSTEMS, INC.

FORM A-150

P.O. BOX 1835 CORSIKANA, TEXAS 75110  
(214) 872-2511

991017-3

## VOLUNTARY STATEMENT

DATE 5-2-9, 1994, TIME 11:30 AM, PLACE Van Zant County Jail  
 I, Jim Murphy, am 18 years old and I live at Edgewood City Lake

I am giving this statement to Dale Cobell, EPD, I.D. 301, who has identified himself as a Police Officer

and he has duly warned me that I have the following rights: that I have the right to remain silent and not make any statement at all; that any statement I make may be used against me at my trial; that any statement I make may be used as evidence against me in court; that I have the right to have a lawyer present to advise me prior to and during any questioning; that if I am unable to employ a lawyer, I have the right to have a lawyer appointed to advise me prior to and during any questioning and that I have the right to terminate the interview at any time.

Prior to and during the making of the statement, I have and do hereby knowingly, intelligently, and voluntarily waive the above explained rights and I do make the following voluntary statement to the aforementioned person of my own free will and without any promises or offers of leniency or favors, and without compulsion or persuasion by any person or persons whomsoever:

Shed Tarrant and I were riding around on 5-26 of May of 1994 in the Murphrees edition in Edgewood when we spotted a car that was away from a house and decided to see what was in the house. I walked to the car and opened the door removing a makeup bag and a cellular telephone, I threw the makeup bag out on the 1st Bridge headed toward the Edgewood lake I kept the cellular telephone for about 1 week and disposed of it on the side of  Hwy 635 in mosquito. While taking the cellular phone and makeup bag we were in Shed Tarrant's 2 Geo Tracker. Shed Tarrant never entered the vehicle.

I have read this statement consisting of 1 page(s), each page of which bears my signature, and I do affirm that all facts and statements contained herein are true and correct.

Jim Murphy (Addition: James Murphy)  
 Signature of person making voluntary statement

00532

THE STATE of TEXAS )  
COUNTY of VAN ZANDT )

X  
ARREST WARRANT AFFIDAVIT  
X

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned affiant, who, after being by me duly sworn on oath deposes and says: My name is Sergeant Michael A. Bates, and I have good reason to believe and do believe that on or about the 26th or 27th of May, 1994, in Van Zandt County, Texas, JEDIDIAH ISAAC MURPHY W/M D.O.B. 09-01-75 did then and there commit the offense of P.C. 30.04 Burglary of a vehicle a (felony) ~~that he/she did then and there:~~ intentionally without the effective consent of Debbie Armstrong, the owner thereof, break into and enter a vehicle and part thereof with intent to commit theft.

My belief is based upon the following facts and information: Your Affiant, Mike Bates, is employed by the Edgewood Police Department and is currently assigned as Sergeant of the Patrol Division of said department. Your Affiant is responsible for investigation of criminal activity in the City of Edgewood.

On Wednesday, June 1, 1994, Debbie Armstrong, Route 2, Box 373-D, Canton, Texas, reported an offense of Burglary of a Motor Vehicle to the Edgewood Police Department. Armstrong reported sometime between Thursday, May 26, 1994, and Friday, May 27, 1994, person(s) unknown had entered her unlocked vehicle, a 1989 Pontiac Grand Prix, Texas License No. 563-XSX, that was parked at 503 Cedar Street, in Edgewood, Texas. Ms. Armstrong advised she was missing a small black make-up bag and a Motorola Bag Phone, Serial Number 13003774900, Phone No. (214) 802-4728.

On Thursday, June 2, 1994, a Jedidiah Isaac Murphy was arrested and placed in the Van Zandt County Jail. Deputy James Rose of the Van Zandt County Sheriff's Department notified Chief Dale Corbett that Jedidiah could clear up some burglaries in the City of Edgewood. At approximately 11:30 A.M., Chief Corbett advised Jedidiah Isaac Murphy of his rights and interviewed him and received a written voluntary statement concerning his aforementioned offense of Burglary of a Motor Vehicle.

In Jedidiah Isaac Murphy's statement, he advised that he and Shod Tarrant were riding around in the Humphries Edition in Shod's 1992 Geo Tracker. They spotted a car parked away from a residence and decided to see what was in the car. Murphy advised he removed a cellular phone and a make-up bag, while Shod waited in the Tracker. Jedidiah Isaac Murphy advised that he threw the make-up bag out of the car on the first bridge headed toward the Edgewood City Lake. He also advised that he kept the cellular phone for about a week and disposed of it on the side of Hwy 635 in Mesquite, Texas.

00533

Incident # <b>44001164</b>	<b>Van Zandt County Sheriff's Office</b> <b>Incident Report</b>	Date & Time Reported <b>6-2-94 5:00 PM</b>
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Location of Incident <b>T. 5, BOX 34 VZ 3501</b>	Related Incident Number	Incident Status <input checked="" type="checkbox"/> Active <input type="checkbox"/> Closed	Exceptional Status <input type="checkbox"/> Death Of Offender <input type="checkbox"/> Prosecution Declined <input type="checkbox"/> Extradition Declined <input type="checkbox"/> Refused To Cooperate <input type="checkbox"/> Juvenile, No Custody <input type="checkbox"/> Warrant
City <b>WILLS POINT, TEXAS</b>	Grid <b>35</b>	Beat <b>8-4</b>	Shift <b>8-4</b>
Number of Officers Killed By Accident/Negligence	Incident Status Date	<input type="checkbox"/> Adult Arrest <input type="checkbox"/> Adult Exception <input type="checkbox"/> Juvenile Custody <input type="checkbox"/> Juvenile Exception <input type="checkbox"/> Unfounded	
Earliest Date & Time Occurred <b>6-1-94 8:00 AM</b>	Latest Date & Time Occurred <b>6-2-94 5:00 PM</b>		

REPORTING PARTY		
Name (Last, First Middle) <b>OATS, GARY</b>	Home Phone <b>873-2986</b>	Work Phone <b>873-2579</b>
Address <b>RT. 5, BOX 34</b>	City, State Zip <b>WILLS POINT, TEXAS</b>	

VICTIM		
Victim (Last, First Middle) <b>OATS, GARY</b>		
Address <b>RT. 5, BOX 34</b>		
City, State Zip <b>WILLS POINT, TEXAS</b>	Resident	
Phone <b>873-2579</b>	Social Security Number	OLN
Employer <b>A S C</b>	Employer's Address <b>TERRELL</b>	City, State Zip <b>TEXAS</b>
Relative (Last, First Middle) <b>OATS, RAMONA</b>	Address <b>RT. 5, BOX 34</b>	City, State Zip <b>WILLS POINT, TEXAS</b>
Phone <b>873-2579</b>	Extension	Relation To Victim <b>WIFE</b>
Type Of Injury <input checked="" type="checkbox"/> Broken Bones <input type="checkbox"/> Internal Injury <input type="checkbox"/> Severe Laceration	<input type="checkbox"/> Loss of Teeth <input type="checkbox"/> Scalds/Burns <input type="checkbox"/> Unconsciousness	<input type="checkbox"/> Other Major Injury <input type="checkbox"/> Minor Injury <input type="checkbox"/> None

LEOKA Victims	Type of Activity	Body Armor	Type of Assignment
Only Killed by Felonious Act? <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Disturbance Call <input type="checkbox"/> Burglary <input type="checkbox"/> Robbery <input type="checkbox"/> Other Arrest <input type="checkbox"/> Civil Disorder <input type="checkbox"/> Handling Prisoners <input type="checkbox"/> Investigating Suspicious Persons/Circumstances <input type="checkbox"/> Ambush <input type="checkbox"/> Mentally Deranged <input type="checkbox"/> Traffic Pursuit/Stop <input type="checkbox"/> All Other	<input type="checkbox"/> Wearing-Protected <input type="checkbox"/> Wearing-Not Protected <input type="checkbox"/> Not Wearing	<input type="checkbox"/> 1-Man Car-Uniformed-Alone <input type="checkbox"/> 1-Man Car-Uniformed-Assisted <input type="checkbox"/> 1-Man Car-Plain-Alone <input type="checkbox"/> 1-Man Car-Plain-Assisted <input type="checkbox"/> 2-Man Car-Uniformed <input type="checkbox"/> 2-Man Car-Plain <input type="checkbox"/> Other Alone <input type="checkbox"/> Other Assisted

Aggravated Assault/Homicide Circumstances			Additional Justifiable Homicide Circumstances
<b>Aggravated Assault/Murder/Non-Neg Manslaughter (max 2)</b> <input type="checkbox"/> Argument <input type="checkbox"/> Assault On LE Officer <input type="checkbox"/> Drug Dealing <input type="checkbox"/> Gangland <input type="checkbox"/> Juvenile Gang <input type="checkbox"/> Lovers' Quassel <input type="checkbox"/> Mercy Killing <input type="checkbox"/> Other Felony Involved <input type="checkbox"/> Other Circumstances <input type="checkbox"/> Unknown Circumstances	<b>Negligent Manslaughter (max 1)</b> <input type="checkbox"/> Child Playing with Weapon <input type="checkbox"/> Gun-Cleaning Accident <input type="checkbox"/> Hunting Accident <input type="checkbox"/> Other Negligent Weapon Handling <input type="checkbox"/> Other Negligent Killing	<b>Justifiable Homicide (max 1)</b> <input type="checkbox"/> Criminal Killed by Private Citizen <input type="checkbox"/> Criminal Killed by Police Officer	<input type="checkbox"/> Criminal Attacked Police Officer <input type="checkbox"/> Criminal Attacked Fellow Police Officer <input type="checkbox"/> Criminal Attacked Civilian <input type="checkbox"/> Criminal Attempted Flight from a Crime <input type="checkbox"/> Criminal Killed in Commission of a Crime <input type="checkbox"/> Criminal Resisted Arrest <input type="checkbox"/> Unable to Determine/Not Enough Info.

Hate-Bias Crimes Only	Type Of Bias	Target
<input type="checkbox"/> Black <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> American Indian <input type="checkbox"/> White <input type="checkbox"/> Other Race/Color <input type="checkbox"/> Hispanic	<input type="checkbox"/> Anti-Semitic <input type="checkbox"/> Other Religion <input type="checkbox"/> Ethnic/National Origin <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Age <input type="checkbox"/> Gender <input type="checkbox"/> Disability <input type="checkbox"/> Political	<input type="checkbox"/> Place of Worship <input type="checkbox"/> Other Group Property <input type="checkbox"/> Public Property <input type="checkbox"/> Business <input type="checkbox"/> Residence <input type="checkbox"/> Other Property <input type="checkbox"/> Clergy <input type="checkbox"/> Other Person
Circumstances		

Domestic Abuse Cases Only <input type="checkbox"/> Children <input type="checkbox"/> Harmed <input type="checkbox"/> Unharmed <input type="checkbox"/> None Present	Referrals <input type="checkbox"/> Counseling <input type="checkbox"/> Financial <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Shelter <input type="checkbox"/> Other <input type="checkbox"/> None	Reporter <input type="checkbox"/> Victim <input type="checkbox"/> Other
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## OFFENSES

[illegible]

**PROPERTY**

PROPERTY								
Type Loss	Qty	Description	Property Code	Brand/Make/Model	Color	Size	Serial/VOAN	Value
S	1	CHAIN SAW	36	HANDI-MAN				\$150.00
S	1	"ROPE & SADDLE" RIG TREE CLIMBING EQ.	36					75.00
Type Of Loss		Property Codes						
B-Burned E-Evidence F-Forged/Counterfeited N=None O=Other R-Recovered S-Stolen U=Unknown V-Vandalized/Damaged/ Destroyed Z-Seized		01-Aircraft 02-Alcohol 03-Automobiles 04-Bicycles 05-Buses 06-Clothes/Furs 07-Computer Hardware/Software 08-Consumable Goods 09-Credit/Debit Cards 10-Drugs/Narcotics 11-Drug/Narcotic Equipment 12-Farm Equipment 13-Firearms	14-Gambling Equipment 15-Heavy Construction/Industrial Equipment 16-Household Goods 17-Jewelry/Precious Metals 18-Livestock 19-Merchandise 20-Money 21-Negotiable Instruments 22-Nonnegotiable Instruments 23-Office-type Equipment 24-Other Motor Vehicles 25-Purses/Handbags/Wallets 26-Radios/TVs/VCRs	27-Recordings-Audio/Visual 28-Recreational Vehicles 29-Structures-Single Occupancy Dwellings 30-Structures-Other Dwellings 31-Structures-Other Commercial/Business 32-Structures-Industrial/Manufacturing 33-Structures-Public/Community 34-Structures-Storage 35-Structures-Parts 36-Tools 37-Trucks 38-Vehicle Parts/Accessories 39-Watercraft			50-Tractors 51-Comics 52-Other Farm Machinery 53-Farm Chemicals 54-Other Farm Supplies 55-Grain 56-Cattle 57-Hogs 58-All Other Livestock 59-Other 60-Pending Inventory 99-Special Category	

COUNTY OF VAN ZANDT

SHERIFF'S DEPARTMENT

SUPPLEMENTARY INVESTIGATION REPORT

Name of Complainant

S.O. No.

Oats, Gary

94001164

Offense

Theft \$750.00

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:

Date

6-12-94

Actors of Offense are Brian Lane and Mike Williams. Actors have committed several offenses in the County. This charge may be enhanced with the others or filed separately at a later date. Property was recovered. Actors gave statements after being arrested for another offense.

I recommend this case be declared {  
 Unfounded ☐  
 Active (not cleared) ☐  
 Cleared by Arrest ☐  
 Exceptionally Cleared ☒

D. Blaylock SR  
 Investigating Officer

00536

Incident No  
94 001149Van Zandt County Sheriff's Office  
Incident ReportDate & Time Reported  
6-2-94 6:45

Location of Incident V23710 1 mile N. Em 1395				Related Incident Number	Incident Status <input checked="" type="checkbox"/> Active - 100 <input type="checkbox"/> Inactive	Exceptional Status <input type="checkbox"/> Death Of Offender <input type="checkbox"/> Prosecution Declined <input type="checkbox"/> Extradition Declined <input type="checkbox"/> Adult sXception <input type="checkbox"/> Juvenile Custody <input type="checkbox"/> Juvenile sXception <input type="checkbox"/> Unfounded <input type="checkbox"/> Warrant
City Wills Point	Grid 37	Beat 1	Shift 1	Number of Officers Killed By Accident/Negligence		
Earliest Date & Time Occurred 6-1-94 5PM		Latest Date & Time Occurred 6-2-94 6AM		Incident Status Date		

## REPORTING PARTY

Name (Last, First Middle) Same as below	Home Phone	Work Phone
Address		
City, State Zip		

## VICTIM

Victim (Last, First Middle) Reed, Mark S.		Victim Type: <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial <input type="checkbox"/> Religious <input type="checkbox"/> Other	
Address P.O. Box 101		Date Of Birth (Month/Day/Year) or Age Range 6-26-59	
City, State Zip Edgewood TX	Resident yes	Race W	Sex M
Phone 903-896-1961	Social Security Number	Height	Weight
Employer		OLN	OLS
Employer's Address		Relative (Last, First Middle)	
City, State Zip		Address	
Phone		Relation To Victim	
Extension			
Scars/Marks/Tattoos		Type <input type="checkbox"/> Broken Bones <input type="checkbox"/> Loss of Teeth <input type="checkbox"/> Other Major Injury <input type="checkbox"/> Internal Injury <input type="checkbox"/> Scalds/Burns <input type="checkbox"/> Minor Injury <input type="checkbox"/> Severe Laceration <input type="checkbox"/> Unconsciousness <input type="checkbox"/> None	

LEOKA Victims	Type of Activity	Body Armor	Type of Assignment
Only Killed by Felony Act?	<input type="checkbox"/> Disturbance Call <input type="checkbox"/> Burglary <input type="checkbox"/> Robbery <input type="checkbox"/> Other Arrest <input type="checkbox"/> Civil Disorder <input type="checkbox"/> Handling Prisoners <input type="checkbox"/> Investigating Suspicious <input type="checkbox"/> Persons/Circumstances <input type="checkbox"/> Ambush <input type="checkbox"/> Mentally Deranged <input type="checkbox"/> Traffic Pursuit/Stop <input type="checkbox"/> All Other	<input type="checkbox"/> Wearing-Protected <input type="checkbox"/> Wearing-Not Protected <input type="checkbox"/> Not Wearing	<input type="checkbox"/> 1-Man Car-Uniformed-Alone <input type="checkbox"/> 1-Man Car-Uniformed-Assisted <input type="checkbox"/> 1-Man Car-Plain-Alone <input type="checkbox"/> 1-Man Car-Plain-Assisted <input type="checkbox"/> 2-Man Car-Uniformed <input type="checkbox"/> 2-Man Car-Plain <input type="checkbox"/> Other Alone <input type="checkbox"/> Other Assisted

Aggravated Assault/Homicide Circumstances			Additional Justifiable Homicide Circumstances
Aggravated Assault/Murder/Non-Neg Manslaughter (max 2)	Negligent Manslaughter (max 1)	Justifiable Homicide (max 1)	
<input type="checkbox"/> Argument <input type="checkbox"/> Assault On LE Officer <input type="checkbox"/> Drug Dealing <input type="checkbox"/> Gangland <input type="checkbox"/> Juvenile Gang <input type="checkbox"/> Lovers' Quarrel <input type="checkbox"/> Mercy Killing <input type="checkbox"/> Other Felony Involved <input type="checkbox"/> Other Circumstances <input type="checkbox"/> Unknown Circumstances	<input type="checkbox"/> Child Playing with Weapon <input type="checkbox"/> Gun-Cleaning Accident <input type="checkbox"/> Hunting Accident <input type="checkbox"/> Other Negligent Weapon Handling <input type="checkbox"/> Other Negligent Killing	<input type="checkbox"/> Criminal Killed by Private Citizen <input type="checkbox"/> Criminal Killed by Police Officer	<input type="checkbox"/> Criminal Attacked Police Officer <input type="checkbox"/> Criminal Attacked Fellow Police Officer <input type="checkbox"/> Criminal Attacked Civilian <input type="checkbox"/> Criminal Attempted Flight from a Crime <input type="checkbox"/> Criminal Killed in Commission of a Crime <input type="checkbox"/> Criminal Resisted Arrest <input type="checkbox"/> Unable to Determine/Not Enough Info.

Hate-Bias Crimes Only	Type Of Bias	Target
<input type="checkbox"/> Black <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> American Indian <input type="checkbox"/> White <input type="checkbox"/> Other Race/Color <input type="checkbox"/> Hispanic <input type="checkbox"/> Anti-Semitic <input type="checkbox"/> Other Religion <input type="checkbox"/> Ethnic/National Origin <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Age <input type="checkbox"/> Gender <input type="checkbox"/> Disability <input type="checkbox"/> Political		<input type="checkbox"/> Place of Worship <input type="checkbox"/> Other Group Property <input type="checkbox"/> Public Property <input type="checkbox"/> Business <input type="checkbox"/> Residence <input type="checkbox"/> Other Property <input type="checkbox"/> Clergy <input type="checkbox"/> Other Person
Circumstances		

Domestic Abuse Cases Only	Children <input type="checkbox"/> Harmed <input type="checkbox"/> Unharmed <input type="checkbox"/> None Present	Referrals <input type="checkbox"/> Counseling <input type="checkbox"/> Financial <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Shelter <input type="checkbox"/> Other <input type="checkbox"/> None	Reporter <input type="checkbox"/> Victim <input type="checkbox"/> Other
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[illegible]

PROPERTY								
Type Loss	Qty	Description	Property Code	Brand/Make/Model	Color	Size	Serial/VOAN	Value
PS	1	Knife	77	NONE	Brown	12"	—	\$30.00
PS	1	Shotgun	13	Rga. Winchester	Blue	Ranger	N1015922	\$250.00

Type Of Loss	Property Codes			
B-Burned	01-Aircraft	14-Gambling Equipment	27-Recordings-Audio/Visual	50-Tractors
E-Evidence	02-Alcohol	15-Heavy Construction/Industrial Equipment	28-Recreational Vehicles	51-Combines
F-Forged/Counterfeited	03-Automobiles	16-Household Goods	29-Structures-Single Occupancy Dwellings	52-Other Farm Machinery
N-None	04-Bicycles	17-Jewelry/Precious Metals	30-Structures-Other Dwellings	53-Farm Chemicals
O-Other	05-Buses	18-Livestock	31-Structures-Other Commercial/Business	54-Other Farm Supplies
Recovered	06-Clothes/Furs	19-Merchandise	32-Structures-Industrial/Manufacturing	55-Grain
Stolen	07-Computer Hardware/Software	20-Money	33-Structures-Public/Community	56-Cattle
U-Unknown	08-Consumable Goods	21-Negotiable Instruments	34-Structures-Storage	57-Hogs
V-Vandalized/Damaged/	09-Credit/Debit Cards	22-Nonnegotiable Instruments	35-Structures-Other	58-All Other Livestock
Destroyed	10-Drugs/Narcotics	23-Office-Type Equipment	36-Tools	77-Other
Z-Seized	11-Drug/Narcotic Equipment	24-Other Motor Vehicles	37-Trucks	88-Pending Inventory
	12-Farm Equipment	25-Purses/Handbags/Wallets	38-Vehicle Parts/Accessories	99-Special Category
	13-Firearms	26-Radios/TV/VCRs	39-Watercraft	



OFFENDER													
Name (Last, First Middle) <b>Murphy, Jodi L. Isaac</b>				AKA (Last, First Middle)									
Date Of Birth (Month/Day/Year) or Age Range <b>9-1-75</b>													
City, State Zip		Resident		Race	Sex	Height	Weight	Hair	Eye	Hispanic? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Phone		Social Security Number		OLN			OLS		OLY				
Employer				Relative (Last, First Middle)									
Employer's Address				Address									
City, State Zip				City, State Zip									
Phone		Extension		Phone			Relation To Offender						
Scars/Marks/Tatoos				Offender Suspected Of Using <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer			Offender Present During Initial Investigation? <input type="checkbox"/> Yes <input type="checkbox"/> No						
				Victim Is Related To Offender As			<input type="checkbox"/> Boyfriend/Girlfriend <input type="checkbox"/> Child of Boy/Girlfriend <input type="checkbox"/> Homosexual Relation <input type="checkbox"/> Ex-Spouse <input type="checkbox"/> Employee <input type="checkbox"/> Employer <input type="checkbox"/> Otherwise Known <input type="checkbox"/> Relation Unknown <input type="checkbox"/> Stranger						
				<input type="checkbox"/> Spouse <input type="checkbox"/> Common-Law Spouse <input type="checkbox"/> Parent <input type="checkbox"/> Sibling <input type="checkbox"/> Child <input type="checkbox"/> Grandparent <input type="checkbox"/> Grandchild <input type="checkbox"/> In-Law			<input type="checkbox"/> Stepparent <input type="checkbox"/> Stepchild <input type="checkbox"/> Stepsibling <input type="checkbox"/> Other Family <input type="checkbox"/> Member <input type="checkbox"/> Acquaintance <input type="checkbox"/> Friend <input type="checkbox"/> Neighbor						
Additional Physical Descriptors (Check all that apply)													
A - Appearance		C - Clothing		D - Hair Length		F - Hair Style		G - Facial Hair		H - Teeth			
01-Conservative 02-Dirty 03-Disguise 04-Flashy 05-Military 06-Unkempt 07-Unusual Odor 08-Well Groomed 09-Work Clothing 99-Other		01-Shorts 02-Sweater 03-Jacket/Coat 04-Baseball Cap 05-Cowboy Hat 06-Other Hat/Cap 07-Suit 08-Boots 09-Headband/Scarf 10-Gloves 11-Uniform 12-Blue Jeans 13-Ski Mask 14-Stocking Mask 15-Coveralls 16-Bathing Suit 17-Earrings/Jewelry 99-Other		01-Bald 02-Collar 03-Long 04-Receding 05-Shoulder 06-Short 99-Other		01-Alto/Natural 02-Braided 03-Bushy 04-Crew Cut 05-Creasy 06-Military 07-Pony Tail 08-Processed 09-Straight 10-Wavy/Curly 11-Wig 99-Other		01-Clean Shaven 02-Fuzz 03-Lower Lip Hair 04-Unshaven 05-Heavy Brows 06-Sideburns 07-Mustache 08-Fu Manchu 09-Goatee 10-Thin Beard 11-Full Beard 99-Other		01-Chipped 02-Crooked 03-False 04-Capped 05-Gold 06-Irregular 07-Missing 08-None 09-Protruding 10-Silver 11-Stain/Decay 99-Other		01-Accent 02-Lisp 03-Mumbles 04-Nasal 05-Offensive 06-Pleasant 07-Rapid 08-Slow 09-Slurred 10-Stutters 11-Talkative 99-Other	
01-Fat/Heavy 02-Medium 03-Thin 04-Muscular 99-Other		01-Coarse 02-Fine 03-Shaved 04-Thick 05-Thinning 06-Wiry 99-Other								01-None 02-Plastic Frame 03-Wire Frame 04-Rimless 05-Sunglasses 06-Tint Lens 99-Other			
		E - Hair Texture								K - Hand Use			
										01-Left 02-Right 03-Ambidextrous 99-Other			

OFFENDER ARREST				How Armed (Use "A" suffix if automatic)	
Arrest Number	Date & Time of Arrest <b>6-2-94</b>	Disposition		<input type="checkbox"/> Unarmed <input type="checkbox"/> Firearm <input type="checkbox"/> Handgun <input type="checkbox"/> Rifle <input type="checkbox"/> Shotgun <input type="checkbox"/> Other Firearm <input type="checkbox"/> Cutting Instrument <input type="checkbox"/> Club/Blackjack/Brass Knuckles	
Arrest Type <input checked="" type="checkbox"/> On-View Arrest <input type="checkbox"/> Summoned/Cited <input type="checkbox"/> Taken Into Custody	Multiple Clearance? <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Handled Within Department <input type="checkbox"/> Referred to Counseling/Social Services <input type="checkbox"/> Referred to Juvenile Court <input type="checkbox"/> Referred to Criminal Court <input type="checkbox"/> Referred to Other Agency <input type="checkbox"/> Other			
Statute	Blood Alcohol				
Arresting Officer	Assisting Officer				

DRUGS									
Type Loss	Qty & Measure	Type	Description				Value		
Drug Types									
A - "Crack" Cocaine		E - Marijuana		J - LSD		L - Amphetamines/ Methamphetamines		O - Other Depressants	
B - Cocaine		F - Morphine		J - PCP		M - Other Stimulants		P - Other Drugs	
C - Hashish		G - Opium		K - Other Hallucinogens		N - Barbiturates		Q - Unknown Type Drug	
D - Heroin		H - Other Narcotics						R - Over 3 Drug Types	
Unit Of Measure									
GM - Gram		ML - Milliliter		DU - Dosage Units/Items		KG - Kilogram		NP - Number of Plants	
OZ - Ounce		LT - Liter		FO - Fluid Ounce		LB - Pound		XX - Not Reported	

VEHICLE										
Type Loss	Color	Year	Make	Model	Style	LIY	LIS	LIC	LIT	VIN
Description										
Property Code										
Value										

00533

Incident No  
**94001150**Van Zandt County Sheriff's Office  
Incident ReportDate & Time Reported  
**6-2-94 6:30A**

Location of Incident <b> Hwy 80 2 miles East Wills Point</b>			Related Incident Number		Incident Status <input checked="" type="checkbox"/> Active <input type="checkbox"/> Inactive <input type="checkbox"/> Adult eXception <input type="checkbox"/> Juvenile Custody <input type="checkbox"/> Juvenile eXception <input type="checkbox"/> Unfounded		Exceptional Status <input type="checkbox"/> Death Of Offender <input type="checkbox"/> Prosecution Declined <input type="checkbox"/> Extradition Declined <input type="checkbox"/> Refused To Cooperate <input type="checkbox"/> Juvenile, No Custody <input type="checkbox"/> Warrant	
City <b>Wills Point TX</b>	Grid	Beat	Shift	Number of Officers Killed By Accident/Negligence				
Earliest Date & Time Occurred <b>6-2-94 12:00 A</b>			Latest Date & Time Occurred <b>6-2-94 6:00 A</b>			Incident Status Date		

## REPORTING PARTY

Name (Last, First Middle) <b>Christer, Kenneth</b>		Home Phone <b>896-1237</b>	Work Phone
Address <b>P.O. 280 Edgewood TX</b>		City, State Zip <b>Wills Point TX</b>	

## VICTIM

Victim (Last, First Middle) <b>Christer, Kenneth Wayne</b>		Victim Type: <input type="checkbox"/> Individual <input type="checkbox"/> Financial <input type="checkbox"/> Religious <input type="checkbox"/> Other <input type="checkbox"/> Business <input type="checkbox"/> Government <input type="checkbox"/> Society <input type="checkbox"/> Unknown	
Address <b>P.O. 280 Edgewood TX</b>		Date Of Birth (Month/Day/Year) or Age Range	
City, State Zip <b>Edgewood TX 75117</b>	Resident <b>Yes</b>	Race <b>W</b>	Sex <b>M</b>
Phone <b>856-1237</b>	Social Security Number	Height <b>5'11"</b>	Weight <b>180</b>
Employer <b>SELF</b>	Employer's Address	Hair <b>BLK</b>	Eyes <b>BLK</b>
City, State Zip		Relative (Last, First Middle)	Hispanic? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Phone		Extension	Relation To Victim
Scars/Marks/Tattoos		Type Of Injury <input type="checkbox"/> Broken Bones <input type="checkbox"/> Loss of Teeth <input type="checkbox"/> Other Major Injury <input type="checkbox"/> Internal Injury <input type="checkbox"/> Scalds/Burns <input type="checkbox"/> Minor Injury <input type="checkbox"/> Severe Laceration <input type="checkbox"/> Unconsciousness <input type="checkbox"/> None	

LEOKA Victims	Type of Activity	Body Armor	Type of Assignment
Only Killed by Felonious Act? <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Disturbance Call <input type="checkbox"/> Burglary <input type="checkbox"/> Robbery <input type="checkbox"/> Other Arrest	<input type="checkbox"/> Wearing-Protected <input type="checkbox"/> Wearing-Not Protected <input type="checkbox"/> Not Wearing	<input type="checkbox"/> 1-Man Car-Uniformed-Alone <input type="checkbox"/> 1-Man Car-Uniformed-Assisted <input type="checkbox"/> 1-Man Car-Plain-Alone <input type="checkbox"/> 1-Man Car-Plain-Assisted
	<input type="checkbox"/> Civil Disorder <input type="checkbox"/> Handling Prisoners <input type="checkbox"/> Investigating Suspicious Persons/Circumstances	<input type="checkbox"/> Ambush <input type="checkbox"/> Mentally Deranged <input type="checkbox"/> Traffic Pursuit/Stop <input type="checkbox"/> All Other	<input type="checkbox"/> 2-Man Car-Uniformed <input type="checkbox"/> 2-Man Car-Plain <input type="checkbox"/> Other Alone <input type="checkbox"/> Other Assisted

Aggravated Assault/Murder/Non-Neg Manslaughter (max 2)	Negligent Manslaughter (max 1)	Justifiable Homicide (max 1)	Additional Justifiable Homicide Circumstances
<input type="checkbox"/> Argument <input type="checkbox"/> Assault On LE Officer <input type="checkbox"/> Drug Dealing <input type="checkbox"/> Gangland <input type="checkbox"/> Juvenile Gang	<input type="checkbox"/> Child Playing with Weapon <input type="checkbox"/> Gun-Cleaning Accident <input type="checkbox"/> Hunting Accident <input type="checkbox"/> Other Negligent Weapon Handling <input type="checkbox"/> Other Negligent Killing	<input type="checkbox"/> Criminal Killed by Private Citizen <input type="checkbox"/> Criminal Killed by Police Officer	<input type="checkbox"/> Criminal Attacked Police Officer <input type="checkbox"/> Criminal Attacked Fellow Police Officer <input type="checkbox"/> Criminal Attacked Civilian <input type="checkbox"/> Criminal Attempted Flight from a Crime <input type="checkbox"/> Criminal Killed in Commission of a Crime <input type="checkbox"/> Criminal Resisted Arrest <input type="checkbox"/> Unable to Determine/Not Enough Info.
<input type="checkbox"/> Lovers' Quarrel <input type="checkbox"/> Mercy Killing <input type="checkbox"/> Other Felony Involved <input type="checkbox"/> Other Circumstances <input type="checkbox"/> Unknown Circumstances			

Hate-Bias Crimes Only	Type Of Bias	Target
<input type="checkbox"/> Black <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> American Indian	<input type="checkbox"/> White <input type="checkbox"/> Other Race/Color <input type="checkbox"/> Hispanic <input type="checkbox"/> Anti-Semitic <input type="checkbox"/> Other Religion <input type="checkbox"/> Ethnic/National Origin	<input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Age <input type="checkbox"/> Gender <input type="checkbox"/> Disability <input type="checkbox"/> Political
Circumstances		<input type="checkbox"/> Place of Worship <input type="checkbox"/> Other Group Property <input type="checkbox"/> Public Property <input type="checkbox"/> Business <input type="checkbox"/> Residence <input type="checkbox"/> Other Property <input type="checkbox"/> Clergy <input type="checkbox"/> Other Person

Domestic Abuse Cases Only	Children <input type="checkbox"/> Harmed <input type="checkbox"/> Unharmed <input type="checkbox"/> None Present	Referrals <input type="checkbox"/> Counseling <input type="checkbox"/> Financial <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Shelter <input type="checkbox"/> Other <input type="checkbox"/> None	Reporter <input checked="" type="checkbox"/> Victim <input type="checkbox"/> Other
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## OFFENSES

[illegible]

## PROPERTY

[illegible]

00541

\*\*\*\*\*  
 DALLAS POLICE DEPARTMENT  
 ID#:  
 DA/WARRANT#: **F95-75692**  
 SERV #: 0707175 D S02  
 ARRES#: **F9575692**  
 CHARGE#:

UNIT: GIB/AT INV: C.S.MASSEY BUS PH#: 670-6632  
 TYPE REPORT: ACCOMPLICE TYPE FILING: ADULT  
 DATE OF ORIGINAL REPORT: 09/06/95  
 SUPP ATTACHED TO: COMPLETE REASON FOR SUPP:  
 FILED WITH: DPD LEGAL LIASON JUDGE:  
 OTHER COUNTY: FILING OFFICER: **C. TUBOS**  
 FILING DATE: **SEP 07 1995** APPROVED BY: 2861 DUKES, J D

\*\*\*\*\*  
 \*\*\*\*\* SUSPECT INFORMATION \*\*\*\*\*  
 \*\*\*\*\*

SUSPECT: **MURPHY, JEDITH ISAAC** LOC OF SUSPECT: **A1 LARGE**  
 STATUS OF SUSPECT: **LARGE** RACE: W SEX: M AGE: 20 DOB: 09/01/75  
 HT: 509 WT: 143 HAIR: BROW EYES: BROW  
 HOME ADDR: 06218 PINELAND HOME APT#: 1508  
 HOME CITY: DALLAS HOME ST: TX HOME ZIP: 75231  
 BUSN NAME:  
 BUSN ADDR: BUSN SUITE#:  
 BUSN CITY: BUSN ST: BUSN ZIP:

\*\*\*\*\*  
 \*\*\*\*\* CHARGE INFORMATION \*\*\*\*\*  
 CHARGE: **POSSESSED COMP. VEHICLE WITHOUT CONSENT** PENAL CD: 31.03 PENAL CLS: SJ  
 HOW COMMITTED: **POSSESSED COMP. VEHICLE WITHOUT CONSENT** PES CALLED: N

\*\*\*\*\*  
 \*\*\*\*\* COMPLAINANT INFORMATION \*\*\*\*\*  
 \*\*\*\*\*

COMPLAINANT: **ISAAC, JEDITH**  
 AGE: W SEX: M AGE: 41 DOB: 10/31/53  
 HOME PHONE: 214-276-8040 BUSINESS PHONE: 241-8531  
 HOME ADDR: 1010 DELMAR HOME APT#:  
 HOME CITY: GAKLANU HOME ST: TX HOME ZIP: 75040  
 BUSN ADDR: BUSN SUITE#:  
 BUSN CITY: DALLAS BUSN ST: BUSN ZIP:

\*\*\*\*\*  
 \*\*\*\*\* ARREST INFORMATION \*\*\*\*\*  
 \*\*\*\*\*

REC CHK: Y ARR DATE: 08/30/95 ARR TIME: 1215 ARR#  
 ARREST ADDR: 02363 LITTLEPOCKET RD  
 APT/SUITE#: CITY/ST: DALLAS TX  
 ARRESTING OFFICERS: 1) 4016 CLIFTON, WALTER M JR  
 4865 POOLE, MICHAEL B  
 OFFENSE DATE(S): 08/18/95 08/19/95 OFFENSE TIME(S): 2300 0700  
 LOCATION OF OFFENSE: 11201 E LAKEHIGHLANDSD

\*\*\*\*\*  
 \*\*\*\*\* PROPERTY RECAP INFORMATION \*\*\*\*\*  
 \*\*\*\*\*

TOTAL VALUE OF PROPERTY STOLEN: **[REDACTED]**  
 TOTAL VALUE OF PROPERTY RECOVERED: \$9100.00

\*\*\*\*\*  
 \*\*\*\*\* REPORT APPROVAL INFORMATION \*\*\*\*\*  
 \*\*\*\*\*

REPORT APPROVED BY: 2861 DUKES, J D DATE: 09/06/95

*Pickup Truck*

THIS INFORMATION IS CONFIDENTIAL  
 UNDER LAW AND IS SUBJECT TO THE  
 TEXAS CRIM COMPLIANCE AND NON-  
 DISCLOSURE AGREEMENTS.

DALLAS COUNTY ADULT PROBATION DEPT 00542

\*\*\*\*\*  
 DALLAS POLICE DEPARTMENT  
 ID#:  
 DA/WARRANT#:

SERV# #: 0707175 D S02  
 ARREST#:  
 CHARGE#:

\*\*\*\*\* PROPERTY INFORMATION \*\*\*\*\*  
 DESCRIPTION: 89 CHEVY,PULIC#95/1X/BL5561,VIN#2G  
 QUANTITY: 00001 SERIAL#: CEC19K8K12VALUE: \$10100.00  
 STATUS: STOLEN TAG#: RELEASE TO OWNER: N

DESCRIPTION: 89 CHEVY,PULIC#95/1X/BL5561,VIN#2G  
 QUANTITY: 00001 SERIAL#: CEC19K8K12VALUE: \$9100.00  
 STATUS: RECOVERED TAG#: RELEASE TO OWNER: N

\*\*\*\*\* EVIDENCE INFORMATION \*\*\*\*\*  
 \*\* THERE IS NO EVIDENCE INFORMATION ASSOCIATED WITH THIS REPORT \*\*

\*\*\*\*\* ACCOMPLICE INFORMATION \*\*\*\*\*  
 NAME: TESTA,JOSEPH,CHRISTIAN  
 RACE: W SEX: M AGE: 18 DOB: 07/01/77 FILED ON: Y

\*\*\*\*\* WITNESS #01 INFORMATION \*\*\*\*\*  
 NAME: WEBSTER,LESLIE CODE: C  
 RACE: W SEX: M AGE: 41 DOB: 10/31/53  
 HOME PHONE: 214-276-8040 BUSINESS PHONE: 214-241-8531  
 HOME ADDR: 1010 DELMAR HOME APT#:  
 HOME CITY: GARLAND HOME ST: TX HOME ZIP: 75040  
 BUSN ADDR: BUSN SUITE#:  
 BUSN CITY: BUSN ST: BUSN ZIP:

NARRATIVE:  
 COMPLAINANT CAN TESTIFY TO THE FACTS OF THIS CASE; THAT HE REPORTED THE LISTED VEHICLE STOLEN TO DALLAS POLICE ON REPORT NUMBER 707175-D; THAT HE DID NOT GIVE ANYONE CONSENT TO OPERATE OR POSSESS HIS VEHICLE; THAT HE DOES NOT KNOW THIS SUSPECT.

\*\*\*\*\* WITNESS #02 INFORMATION \*\*\*\*\*  
 NAME: W.M. CLIFTON # 4016 CODE: A0  
 RACE: SEX: AGE: DOB:  
 HOME PHONE: BUSINESS PHONE: 214-670-4415  
 HOME ADDR: HOME APT#:  
 HOME CITY: HOME ST: HOME ZIP:  
 BUSN ADDR: N/E PATROL DPD BUSN SUITE#:  
 BUSN CITY: DALLAS BUSN ST: TX BUSN ZIP:

NARRATIVE:  
 ARRESTING OFFICER CAN TESTIFY TO THE FACTS OF THIS CASE PERTAINING TO HIM.

\*\*\*\*\*  
 DALLAS POLICE DEPARTMENT  
 ID#: SERV# #: 0707175 D S02  
 DA/WARRANT#: ARRES.#:  
 CHARGE#:

\*\*\*\*\* WITNESS #02 INFORMATION \*\*\*\*\*

\*\*\*\*\* WITNESS #03 INFORMATION \*\*\*\*\*  
 NAME: M.D.POOLE #4865 CODE: AO  
 RACE: SEX: AGE: DOB:  
 HOME PHONE: BUSINESS PHONE: 214-670-4415  
 HOME ADDR: HOME APT#:  
 HOME CITY: HOME ST: HOME ZIP:  
 BUSN ADDR: N/E PATROL DPD BUSN SUITE#:  
 BUSN CITY: DALLAS BUSN ST: TX BUSN ZIP:

NARRATIVE:  
 ARRESTING OFFICER CAN TESTIFY TO THE FACTS OF THIS CASE PERTAINING TO HIM.

\*\*\*\*\* WITNESS #04 INFORMATION \*\*\*\*\*

NAME: C. GARCIA #7111 CODE: AO  
 RACE: SEX: AGE: DOB:  
 HOME PHONE: BUSINESS PHONE: 214-670-4415  
 HOME ADDR: HOME APT#:  
 HOME CITY: HOME ST: HOME ZIP:  
 BUSN ADDR: N/E PATROL DPD BUSN SUITE#:  
 BUSN CITY: DALLAS BUSN ST: TX BUSN ZIP:

NARRATIVE:  
 ARRESTING OFFICER CAN TESTIFY TO THE FACTS OF THIS CASE PERTAINING TO HIM.

\*\*\*\*\* WITNESS #05 INFORMATION \*\*\*\*\*

NAME: M.SULLIVAN CODE: AO  
 RACE: SEX: AGE: DOB:  
 HOME PHONE: BUSINESS PHONE: 214-653-3430  
 HOME ADDR: HOME APT#:  
 HOME CITY: HOME ST: HOME ZIP:  
 BUSN ADDR: DESOTO P.D. BUSN SUITE#:  
 BUSN CITY: DESOTO BUSN ST: TX BUSN ZIP:

NARRATIVE:  
 ARRESTING OFFICER CAN TESTIFY TO THE FACTS OF THIS CASE PERTAINING TO HIM; THAT HE IS A DESOTO P.D. DETECTIVE CURRENTLY ASSIGNED TO THE DALLAS COUNTY COMMERCIAL AUTO THEFT TASK FORCE; THAT HE OBSERVED THIS SUSPECT IN POSSESSION OF THE COMPLAINANT'S STOLEN VEHICLE.

\*\*\*\*\*  
DALLAS POLICE DEPARTMENT  
ID#:  
DA/WARRANT#:

SERV # : 0707175 D S02  
ARRES # :  
CHARGE#:

\*\*\*\*\* WITNESS #06 INFORMATION \*\*\*\*\*  
NAME: BEDFORD, BRIAN CODE: W  
RACE: B SEX: M AGE: 32 DOB: 03/02/63  
HOME PHONE: 214-328-0953 BUSINESS PHONE: 214-670-6632  
HOME ADDR: 2363 LITTLEPOCKET HOME APT#:  
HOME CITY: DALLAS HOME ST: TX HOME ZIP:  
BUSN ADDR: BUSN SUITE#:  
BUSN CITY: DALLAS BUSN ST: TX BUSN ZIP:

NARRATIVE:

WITNESS CAN TESTIFY TO THE FACTS OF THIS CASE PERTAINING TO HIM; THAT HE ASSISTED ARRESTING OFFICERS IN APPREHENDING THIS SUSPECT.

\*\*\*\*\* WITNESS #07 INFORMATION \*\*\*\*\*  
NAME: C.S. MASSEY #5366 CODE: IO  
RACE: SEX: AGE: DOB:  
HOME PHONE: BUSINESS PHONE: 214-670-6632  
HOME ADDR: HOME APT#:  
HOME CITY: HOME ST: HOME ZIP:  
BUSN ADDR: GIB/AUTO THEFT BUSN SUITE# : DPD  
BUSN CITY: DALLAS BUSN ST: TX BUSN ZIP:

NARRATIVE:

INVESTIGATING OFFICER CAN TESTIFY TO THE FACTS OF THIS CASE PERTAINING TO HIM; THAT HE PREPARED THIS CASE FOR FILING.

\*\*\*\*\* MAGISTRATING INFORMATION \*\*\*\*\*  
BY JUDGE: DATE: BOND \$:  
OUT BEFORE MAGISTRATE - METHOD: DATE:  
NO MAGISTRATE INFO - CLERK: DATE:



\*\*\*\*\*  
 DALLAS POLICE DEPARTMENT  
 ID#:  
 DA/WARRANT#:

SERV #: 070/175 D S02  
 ARRES#:  
 CHARGE#:

\*\*\*\*\* NARRATIVE INFORMATION \*\*\*\*\*  
 COMPLAINANT LESLIE WEBSTER REPORTED HIS 1989 CHEVY, SILVERADO, PICK-UP, LICENSE PLATE NUMBER 95/TX/BL5561, VIN NUMBER 2GCEC19K8K1256756, VALUED AT \$10,100., STOLEN FROM THE APARTMENT PARKING LOT AT 11201 LAKEHIGHLANDS DRIVE, DALLAS, DALLAS COUNTY, TEXAS, BETWEEN THE TIMES OF FRIDAY AUGUST 18, 1995 AT 11:00 P.M. AND SATURDAY AUGUST 19, 1995 AT 7:00 A.M., TO DALLAS POLICE ON OFFENSE REPORT NUMBER 707175-D. ON AUGUST 30, 1995, AT ABOUT 12:15 P.M., ARRESTING OFFICER SULLIVAN, WHO IS ASSIGNED TO THE DALLAS COUNTY COMMERCIAL AUTO THEFT TASK FORCE, OBSERVED THIS SUSPECT AND THE ACCOMPLICE ENTER THE COMPLAINANT'S STOLEN VEHICLE IN A MOTEL PARKING LOT AT 8901 E. RLT FREEWAY. THIS SUSPECT ENTERED THE PASSENGERSIDE OF THE VEHICLE AND THE ACCOMPLICE ENTERED THE DRIVERSIDE OF THE VEHICLE. THE ACCOMPLICE THEN DROVE THE VEHICLE OUT OF THE PARKING LOT AND ~~ONTO THE ROAD~~. ARRESTING OFFICERS ATTEMPTED TO STOP THE VEHICLE IN THE 7500 BLOCK OF E. RLT FREEWAY. WHEN THIS SUSPECT AND THE ACCOMPLICE SAW THE OFFICERS, THEY ~~TURNED RIGHT~~ T. THIS ~~VEHICLE~~ AFTER A SHORT FOOT CHASE WITH THE ASSISTANCE OF WITNESS BEDFORD. THE VEHICLE WAS RECOVERED WITH A BROKEN RADIO, DENTED HOOD, AND DENTED DOOR. THE VEHICLE ALSO HAD A BROKEN DRIVERSIDE DOOR LOCK AND A BUSTED STEERING COLUMN. THIS DAMAGE WAS IN CLEAR VIEW OF THIS SUSPECT INDICATING THAT HE KNEW THAT THE VEHICLE WAS STOLEN. ARRESTING OFFICER SULLIVAN WAS ABLE TO STOP THE MOVING VEHICLE AFTER THIS SUSPECT JUMPED OUT TO PREVENT FURTHER DAMAGE. THE COMPLAINANT DID NOT GIVE ANYONE CONSENT TO OPERATE, POSSESS, OR STEAL HIS VEHICLE. THE COMPLAINANT DOES NOT KNOW THIS SUSPECT OR THE ACCOMPLICE.

THIS INFORMATION IS CONFIDENTIAL  
 UNDER LAW AND IS SUBJECT TO THE  
 TEXAS CRIMINAL COMPLAINT AND NON-  
 DISCLOSURE AGREEMENTS.  
 DALLAS COUNTY ADULT PROBATION DEPT.

00546



\*\*\*\*\*  
 DID 2VB TCE - 0801 DALLAS POLICE DEPARTMENT SERVICE #0707175-D  
 NCIC YES TCE - 0809 OFFENSE INCIDENT REPORT DATE REPORTED 08/19/95

DISPATCHED TO: A1:0730 AS SIG:09/05

EAT: 231 WATCH: 1 ELEMENT: 1393

COMP. NAME: WEBSTER, LESLIE R/S/A/DOB: W/M/41/103153  
 HOME ADDR: 1010 DELMAR BUSN. ADDR.  
 GARLAND TX 75040 214-276-8040 DALLAS 241-8531  
 OCC: ACCIS RECV HRS: 0730-1600

OFF. LOC: 11201 E LAKEHIGHLANDS APT. 2060 DATES OF OCCURRENCE  
 PREMISES: THE HIGHLANDS PK LT PROP. ALL. CODE: 920 FR1, AUG 18, 1995 2300  
 INV. ASSGN: SAT, AUG 19, 1995 0700

OFFENSE/INCIDENT: UUMV UCR CODE 1: 07211

M/O:  
 TOOK LOCK 2 TONE DRK BLU/TAN 89 CHEV XCAB SILVERADO PICKUP, LICENSE BL5561

STATUS: S UCR DISP: P 2SPECIAL REPORT: FOLLOW UP: 2 REVIEWED BY: 3853

SR CODE: 1 RELATED REPORTS: WEATHER COND: WARM

FAMILY VIOLENCE: N GANG ACTIVITY CRIME: N

INV. DIV. NOTIFIED:

REPT. OFF: BEASLEY, VICKEY 08590 OTHER OFF:

PROPERTY INFORMATION 1					
CD	QTY	DESCRIPTION	SERIAL NO.	VALUE	CLASS
S	1	89 DRK BLU/TAN CHEV XCAB SILVERADO		10100.	50
S	1	SET ASSORTED HAND TOOLS		250.	10
S	1	TRUCK MANUAL		95.	20
S	1	TRUCK INSURANCE ID CARD			

VALUE PROP. STOLEN: 10445.00

RECV BEAT: 01  
 O I D # 3993

NCIC YES Y

VEHICLE INFORMATION 1						
STOLEN	YEAR	MAKE	MODEL	STYLE	LICENSE	VALID TAG#
	1989	CHEV	PK		1996 TX BL5561	
VEHICLE COLOR		COLOR 1: BLUE		COLOR 2: TAN		VIN: 2GCEC19K8K1256756
SPECIAL FEATURES MISSING PARTS						

VEH CONT:  
 U

DESC: 2 TONE DRK BLU/TAN, XCAB, MISS 2 FRONT HUBCAPS, BLK ATTACH TOOLBOX

#### NARRATIVE

COMPLAINANT STATES THAT WHILE VISITING FRIENDS UNKNOWN SUSPECTS TOOK THE LOCKED VEHICLE WITHOUT CONSENT.

COMPLAINANT STATES THAT HE DID NOT NOTICE ANY BROKEN GLASS THIS MORNING.

COMPLAINANT STATES THAT HE HAS THE KEYS TO THE VEHICLE AND HE HAS NOT

00547

09/08/95 1223

DALLAS POLICE DEPARTMENT

FORM 112

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OID 2VB BEASLEY,VICKEY 3590  
WEBSTER, LESLIE UUMV

SERVICE #0707175-D  
DATE REPORTED 08/19/95

AUTHORIZED ANYONE TO TAKE THE VEHICLE.

REGISTRATION VERIFIED. UNABLE TO CHECK REPO, TOW AND AUTO POUND.

OKCK FILES CLOSED.

NO SUSPECTS OR WITNESSES.NFI

\*\* END PAGE 1 \*\*  
\*\* END OF REPORT \*\*

00548

\*\*\*\*\* PAGE 1.1 \*\*\*\*\*  
 QID 2GE JAILAS POLICE DEPARTMENT SERVICE #0707175-D  
 NCIC YES DATE REPORTED 08/30/95

DISPATCHED TO:

EAT: 231

COMP. NAME: WEBSTER, LESLIE

OFF. LOC: 11201 E LAKEHIGHLANDSD

DATE OF OFF.: 08/18/95

OFFENSE/INCIDENT: UUMV

UCR 1:07211

REPT. OFF: CLIFTON, WALTER 4016

SUPERVISOR: PATROL

STATUS: S UCR DISP: P FOLLOW UP: 2 REVIEWED BY: 93174

PROPERTY INFORMATION 1

CD	QTY	DESCRIPTION	SERIAL NO.	VALUE	CLASS
R	1	89 DRK BLU/TAN CHEV XCAB SILVERADO		10100.	50

VALUE PROP. REC: 10100.00 RECOVERED AT: 7500 E RLT  
 DISP OF PROP: 24HRWRECKR JURISDICTION: 9/1 BADGE: 4016  
 NCIC YES Y REC'D BEA1: 321  
 O I D # 3993

VEHICLE INFORMATION 1

OT	YEAR	MAKE	MODEL	STYLE	LICENSE	VALID TAG#
	1989	CHEV	PK		1996 TX BL5561	

VEHICLE COLOR: COLOR 1: BLUE COLOR 2: TAN VIN: 2GCEC19K8K1256756  
 SPECIAL FEATURES MISSING PARTS

VEH COND  
 GOOD

DESC: 2 TONE DRK BLU/TAN, XCAB, MISS' 2 FRONT HUBCAPS, BLK ATTACH TOOLBOX  
 R/O WAS COVERING DET. SULLIVAN OF THE DESOTA POLICE DEPT. WHO WAS WORKING  
 FOR DALLAS COUNTY AUTO TASK FORCE. HE WAS SITTING UP ON THE LISTED  
 STOLEN VEHICLE WHICH WAS FOUND ON 8901 EAST R.L.T. AT THE COMFORT INN.  
 TWO SUSPECTS GOT INTO THE VEHICLE AND IT WAS STOPPED AT 7500 EAST R.L.  
 THORNTON WHERE THEY RAN AND WERE CAPTURED.  
 THE VEHICLE WAS TAKEN TO 24 HOUR WRECKER STORAGE FACILITY AND CONFIRMED  
 STOLEN BY GOFFNEY.  
 AP TESTA WAS THE DRIVER AND AP MURPHY WAS THE PASSENGER AND BOTH  
 WANTED ON OTHER WARRANTS.  
 NF1.

\*\*\*\*\*  
 010 206 CLIFTON, WALTER 016 SERVICE #0707175-U  
 WEBSTER, LESLIE UUMV DATE REPORTED 08/30/95  
 SUPPLEMENT 1

## SUSPECT INFORMATION 1

CODE	NAME	ADDRESS	NICKNAME/ALIAS	ARREST #
AP	TESTA, JOSEPH, CHRIST	6218 PINELAND 1508 DALLAS TX		

R/S/A	DOB	WEIGHT	HEIGHT	HAIR COLOR	EYE COLOR
W/M/18	07/01/77	145	600	BROW	HAZE

OTHER DESC LS

## WEAPON DESCRIPTION

## WEAPON TYPE

HANDS-FEET

## SUSPECT INFORMATION 2

CODE	NAME	ADDRESS	NICKNAME/ALIAS	ARREST #
AP	MURPHY, JEDIDIAH, ISAA	6218 PINELAND 1508 DALLAS TX		

R/S/A	DOB	WEIGHT	HEIGHT	HAIR COLOR	EYE COLOR
W/M/19	09/01/75	143	509	BROW	BROW

OTHER DESC LS

## WEAPON DESCRIPTION

## WEAPON TYPE

HANDS-FEET

COPY

TERRELL POLICE DEPARTMENT  
OFFENSE/INCIDENT REPORT

Case Number 7438-96 Attempt/Completed \_\_\_\_\_  
 Offense: LOSS MARIJUANA 4/202 MB Date: 031496 Time: 2230  
 UCR Code: 1832

VICTIM  
 Name STATE OF TEXAS CITY OF TERRELL PD File No. 30  
 Age \_\_\_\_\_ DOB \_\_\_\_\_ Resident Status \_\_\_\_\_  
 OLN \_\_\_\_\_ Address 201 E. NASH  
 State \_\_\_\_\_ Apartment No. \_\_\_\_\_  
 Type \_\_\_\_\_ City / State TERRELL, TX  
 Expiration \_\_\_\_\_ Zip Code 75160  
 Soc. Sec. \_\_\_\_\_ Home Phone \_\_\_\_\_  
 Sex \_\_\_\_\_ Race \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Work Phone 551-6622  
 Employer \_\_\_\_\_ NCIC \_\_\_\_\_  
 Position \_\_\_\_\_

Agency Classification _____	Method of Entry _____
Modus Operandi _____	
Entry _____	F - Forced
Instrument Used _____	N - Non Force

Grid SE Location \_\_\_\_\_  
 Address 1100 BLK S. VIRGINIA  
 City / State TERRELL, TX Zip Code 75160

Criminal Mischief Damage \$ \_\_\_\_\_

## WHEN OFFENSE / INCIDENT OCCURRED

Date 031496 TO Date \_\_\_\_\_  
 Time 2230 TO Time \_\_\_\_\_

Sale of Drug \_\_\_\_\_ Type of Drug MARIJUANA  
 Possession MARIJ 4/202 Weight 26 GRAMS Value \_\_\_\_\_  
 Analysis Date \_\_\_\_\_

Case Status C Status Explanation: A - Active E - Exceptional Closed  
 I - Inactive C - Closed  
 U - Unfounded

00551

Case Number 7438-96#1 SUBJECT FILE AS - Suspect V - Victim W - Witness J - Juvenile  
P - Parent A - Accused C - Complainant R - Reporter

File No. 26615 Name MURPHY, JEDIDIAH ISAAC  
 Alias JIM Age 20 DOB 090175 Race W  
 Sex M Height: 5-09 to  Weight: 113 to  Hair BRO  
 Eyes BRO Address 6305 FM 429  
 Phone 214-962-7443 City / State KAUFMAN TX Zip Code 75142  
 OLN / Soc. Sec. 12468174 / 456-71-2619 Relationship To Victim   
 Comment:

#2 SUBJECT FILE AS - Suspect V - Victim W - Witness J - Juvenile  
P - Parent A - Accused C - Complainant R - Reporter

File No. 26614 Name PHILLIPS, RAY BOB  
 Alias BOB Age 23 DOB 021873 Race W  
 Sex M Height: 5-08 to  Weight: 115 to  Hair BRO  
 Eyes BRO Address 6305 FM 429  
 Phone  City / State KAUFMAN Zip Code 75142  
 OLN / Soc. Sec. 16249325 / 636-18-5718 Relationship To Victim   
 Comment:

#3 SUBJECT FILE S - Suspect V - Victim W - Witness J - Juvenile  
P - Parent A - Accused C - Complainant R - Reporter

File No.  Name   
 Alias  Age  DOB  Race   
 Sex  Height:  to  Weight:  to  Hair   
 Eyes  Address   
 Phone  City / State  Zip Code   
 OLN / Soc. Sec.  Relationship To Victim   
 Comment:

00552

Case Number \_\_\_\_\_

#4 SUBJECT FILE \_\_\_\_\_

S - Suspect V - Victim W - Witness J - Juvenile  
P - Parent A - Accused C - Complainant R - Reporter

File No. [REDACTED] Name \_\_\_\_\_

Alias \_\_\_\_\_ Age \_\_\_\_\_ DOB \_\_\_\_\_ Race \_\_\_\_\_

Sex \_\_\_\_\_ Height: \_\_\_\_\_ to \_\_\_\_\_ Weight: \_\_\_\_\_ to \_\_\_\_\_ Hair \_\_\_\_\_

Eyes \_\_\_\_\_ Address \_\_\_\_\_

Phone \_\_\_\_\_ City / State \_\_\_\_\_ Zip Code \_\_\_\_\_

OLN / Soc. Sec. \_\_\_\_\_ Relationship To Victim \_\_\_\_\_

Comment: \_\_\_\_\_

#5 SUBJECT FILE \_\_\_\_\_

S - Suspect V - Victim W - Witness J - Juvenile  
P - Parent A - Accused C - Complainant R - Reporter

File No. [REDACTED] Name \_\_\_\_\_

Alias \_\_\_\_\_ Age \_\_\_\_\_ DOB \_\_\_\_\_ Race \_\_\_\_\_

Sex \_\_\_\_\_ Height: \_\_\_\_\_ to \_\_\_\_\_ Weight: \_\_\_\_\_ to \_\_\_\_\_ Hair \_\_\_\_\_

Eyes \_\_\_\_\_ Address \_\_\_\_\_

Phone \_\_\_\_\_ City / State \_\_\_\_\_ Zip Code \_\_\_\_\_

OLN / Soc. Sec. \_\_\_\_\_ Relationship To Victim \_\_\_\_\_

Comment: \_\_\_\_\_

## VEHICLE FILE

Type SU S - stolen E - evidence D - damaged SU - suspect vehicleLicense No. 816SBF Lic. State TX Lic. Expiration APR 96Vehicle Year 1986 Make BUICK Model SILY LARK Color GRAYVIN 1G4NJ69U7GM131212 Value \_\_\_\_\_Comment: 1M POUNDED - OPERATOR ARRESTED - CROW'S WRECKER SERVICE.

## STOLEN PROPERTY FILE

Quantity	Item	Description	Ser. No.	Mod. No.	Value	Rec. Date
ONE	PLASTIC BAG	CONTAINING MARIJUANA - TOTAL WEIGHT				
	OF BAG & MARIJUANA	26 GRAMS - EVIDENCE TAG #2107				

00553

## OFFENSE / INCIDENT NARRATIVE

Case Number 7438-96 Date 03/4/96 Officer 6146 Document No. 1 of 1

ON THURSDAY, 03/4/96, AT 2213 HOURS, I OBSERVED AN 86 GRAY BUICK SKYLARK, TX LP 816SBF, SOUTHBOUND IN THE 100 BLK OF S. VIRGINIA WITH AN INOPERATIVE HEADLIGHT. I CONDUCTED A TRAFFIC STOP OF THE VEHICLE IN THE 1100 BLK OF S. VIRGINIA. OFFICERS S. JOHNS #6154 AND R. LAVIN #6140 ALSO WERE PRESENT AT THE SCENE. I MADE CONTACT WITH THE DRIVER, MURPHY, AND HE STATED HE DID NOT HAVE HIS DL IN HIS POSSESSION, THERE WAS NO PROOF OF INSURANCE ON THE VEHICLE, THE VEHICLE REGISTRATION WAS EXPIRED, THE STEERING COLUMN HAD BEEN TAMPERED WITH BUT HE DIDN'T DO IT, AND THAT HE WAS ON PROBATION. I REQUESTED PERMISSION TO SEARCH THE VEHICLE AND MURPHY STATED IT WAS OKAY. A REGISTRATION CHECK WAS CONDUCTED. I SEARCHED THE FRONT SEAT AREA AND AS I WAS WALKING AROUND THE OUTSIDE OF THE VEHICLE I OBSERVED A ROLLED UP PLASTIC BAGGIE LAYING ON THE REAR SEAT. I ASKED THE PASSENGER, PHILLIPS, WHAT WAS IN THE BAGGIE. HE STATED HE DID NOT KNOW BUT APPEARED TO BECOME NERVOUS. I UNROLLED THE BAGGIE AND OBSERVED IT CONTAINED WHAT I BELIEVE IS MARIJUANA. THE BAGGIE WAS WITHIN ARMS REACH OF BOTH MURPHY AND PHILLIPS. BOTH WERE ARRESTED WITHOUT INCIDENT.

REFER TO DA'S OFFICE.

ENTERED INTO <input type="checkbox"/> TCIC <input type="checkbox"/> NCIC		SIGNATURE VICTIM / REPORTER (Circle appropriate one) See reverse side of Victim's Copy x <u>D. Amity</u>	
Initial Officer Status <input type="checkbox"/> Active <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded <input checked="" type="checkbox"/> Cleared		Recommend to Continue <input type="checkbox"/> Field <input type="checkbox"/> Investigation	
Field Supervisor Status <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree		Field Supervisor's Name, PE, Date <u>D. Balderr, 6112, 3-15-96</u>	
Investigative Coordinator <input type="checkbox"/> Field <input type="checkbox"/> Status Investigation		Assigned Investigator Initial, PE, Date	

00554 PS539



NAME OF PERSON ARRESTED: MURPHY, JEDIDIAH, ISAAC  
LAST FIRST MIDDLE

DATE ARRESTED: 03 14 96  
MONTH DAY YEAR

1. POSS MARIJ < 2 oz	MB	TERRELL
CHARGE	CLASSIFICATION OF OFFENSE	CHARGING OFC.

SUSPECT WAS THE DRIVER IN A VEHICLE STOPPED FOR A TRAFFIC VIOLATION. A PLASTIC BAG CONTAINING SUSPECTED MARIJUANA WAS OBSERVED IN PLAIN VIEW LAYING ON THE BACKSEAT WITHIN REACH OF THE SUSPECT. SUSPECT ARRESTED WITHOUT INCIDENT.

2.

CHARGE	CLASSIFICATION OF OFFENSE	CHARGING OFC.
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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

..

CHARGE	CLASSIFICATION OF OFFENSE	CHARGING OFC.
--------	---------------------------	---------------

\_\_\_\_\_

1.

CHARGE	CLASSIFICATION OF OFFENSE	CHARGING OFC.
--------	---------------------------	---------------

\_\_\_\_\_

**2.**

CHARGE	CLASSIFICATION OF OFFENSE	CHARGING OFC.
--------	---------------------------	---------------

\_\_\_\_\_

TERRELL POLICE DEPARTMENT  
ARREST REPORT

1832

DPS NO. (S/D)		FBI NO.		CONTRIBUTOR ORI		LEAVE BLANK	
TXDS80958		93818WA4		TX1290500			
NAME (LAST, FIRST, MIDDLE)				DATE OF BIRTH		PLACE OF BIRTH	
MURPHY, JEDIDIAH ISAAC				09011975		TX	
SEX	RACE	ETH	HAIR	WGT	EYES	HAIR	SCARS, MARKS, TATTOOS, AMPUTATIONS
M	W	N	5-09	113	BRO	BRO	TAT BACK
SKIN TONE		SOCIAL SECURITY NO		MISC. NO		CITY	
MED		456-71-2619				US	
DRIVER LICENSE NO.		STATE		TYPE		ID CARD NO	
12468174		TX		C			
ALIAS NAME(S)				ADDRESS			
JIM				6305 FM 429 KAUFMAN TX 75142			
OR:		ARRESTING AGENCY		LIC. PLATE NO		STATE	
TX1290500		TERRELL PD		6305		TX	
NAME		AGENCY CASE NO		FIREARM CODE		DATE OF ARREST	
TERRELL PD		7438-96				03141996	
LOCATION OF ARREST				TIME		VEHICLE IMPOUNDMENT INFO	
1100 BUC S. VIRGINIA				2234		(ROW)	
CHARGES		WARRANT #		AGENCY		BOND / FINE	
1. POSS MARIJ 1/2 oz		ON VIEW		TPD			
2.							
3.							
4.							
5.							
BRIEF NARRATIVE: SUSPECT WAS STOPPED FOR A TRAFFIC OFFENSE.							
A PLASTIC BAG CONTAINING MARIJUANA WAS OBSERVED IN							
PLAIN VIEW WITHIN REACH OF THE SUSPECT. SUSPECT WAS							
ARRESTED WITHOUT INCIDENT, TRANSPORTED TO TPD, AND							
BOOKED IN TO CELL #5.							
DISPOSITION OF INMATE: RELEASED ON: BOND, FINE, CITATION, OTHER							
TRANSFERRED TO: KAUFMAN S.O., OTHER AGENCY 3-15-96 DATE & 1:15 PM TIME							
ARRESTING OFFICER(S):		BOOKING OFFICER		RELEASING OFFICER			
ALBERTY / JONES / LAVIN		ALBERTY / JONES		WALLS			

00556

1-1 INCIDENT

COMPLAINANT'S  
SS

01/06/1994 22:36

9836731214

WILLS POINT POLICE  
WILLS POINT POLICE DEPARTMENT  
OFFENSE/INCIDENT REPORT

PAGE 02

1-1 INCIDENT

## COMPLAINANT'S

DL

## COMPLAINANT'S

SS

1.comp.(last name first) R/S/DOB | 2.home phone | 3.work phone | 4.occupation  
STATE OF TEXAS

5.residence address, city, state | 6.business address, city, st. | 7.work hrs.

8.reportee(last name first) | 9.home phone | 10.work phone | 11.occupation  
JAMES R. LEE | 560-0824 | 873-2588 | POLICE OFFICER12.reportee res. address | 13.bus.address, city, st. | 14.work hrs.  
RT. 3 BOX 197 WILLS POINT, TX | 120 N. 5TH ST. WILLS PT. TX | 2P-3A15.offense/incident | 16.location offense/incident  
ASSAULT/F/V SER. BODILY INJURY | 334 E.N. COMMERCE #4 WILLS POINT, TEXAS17.address dispatched to | 18.type premises offense/incident  
734 #4 E.N. COMMERCE WILLS PT. T. | ARRESTED PERSON'S HOME19.date reported | 20.date off/inc. | 21.days offense/inv. | 22.time of offense/inc.  
08-17-97 | 08-17-97 | SUNDAY | 5:40 P.M.23.type evidence | 24.cid unit | 25.vin.#  
OBSERVATION OF REPORTING OFFICER

26.lic.# | yr. | st. | 27.color | 28.yr. | 29.make | 30.model | 31.style

32.other description | 33.lien holder | 34.past due | 35.value now

36.quan. | 37.description | 38.model no. | 39.serial no. | 40.age | 41.value

42.entered TCIC/NCIC by | 43.time/date | 44.total

45.victim taken to | 46.transported by | 47.injury description | 48.condition

49.how done - force used - at what point - with what tool or weapon

REPORTING SAW CHELSEA WILLIS BLEEDING FROM NOSE, HEAD BUTTED (INTENTIONALLY)

50.brief narrative: VICTIM IS THE COMMON LAW WIFE OF JEDIDIAE MURPHY. THEY GOT

INTO AN ARGUMENT AND MR. MURPHY SAID THAT HE INTENTIONALLY HEAD BUTTED HER IN

THE NOSE (POSSIBLY BROKEN). MR. MURPHY WAS HOLDING A KNIFE WHEN I ARRIVED AND

HE DID NOT DROP IT WHEN ORDERED TO AND I SPRAYED HIM WITH PEPPER MACE AND

PLACED HIM IN CUSTODY.

51.reporting officer | ID | 52.other officer | ID | 53.investigator assigned

JAMES R. LEE | 2203 | IVAN MEDINA | 2207 |

54.time disp. | 55.time clear | 56.grid | 57.status

5:46 | 7:30 | | |

| 1 | open | 1 | suspended | 1 | closed

00558

01/06/1994 22:36 9036731214

WILLS POINT POLICE

PAGE 03

THE STATE OF TEXAS  
COUNTY OF VAN ZANDT

CASE NUMBER \_\_\_\_\_

## AFFIDAVIT

BEFORE ME THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED JAMES R. LEE, A PEACE OFFICER OF THE STATE OF TEXAS, WHO AFTER BEING SWORN UPON OATH DEPOSES AND SAYS THAT HE HAS GOOD REASON TO BELIEVE AND DOES BELIEVE THAT JEDIDIAH ISAAC MURPHY (NAME OF ACCUSED) DID COMMIT THE OFFENSE OF ASS. 1/V SBI & ASS. SBI AGAINST THE LAW OF THE STATE OF TEXAS ON 17 DAY OF AUGUST 1997.

SAID REASON AND BELIEF IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES (PROVIDE NARRATIVE, USING BACK OF THIS AFFIDAVIT OR ATTACHING ADDITIONAL PAGES AND /OR CASE REPORT, AS NEEDED).

ON AUGUST 17, 1997 AT APPROXIMATELY 5:46 P.M. I WAS DISPATCHED TO 734 I.N. COMMERCE LOT #4. IN REFERENCE TO A DISTURBANCE. WHEN I ARRIVED JEANNE EVANS WAS IN THE FRONT YARD SCREAMING THAT THEY WERE FIGHTING IN THE HOUSE. I WENT INSIDE AND HEARD THE SOUNDS OF SCUFFLING AND ARGUING IN THE FRONT BEDROOM. I APPROACHED THE BEDROOM DOOR AND SAW JEDIDIAH MURPHY WITH A KNIFE IN HIS HAND AND I HEARD HIM SAY THE NEXT ONE THAT COMES THROUGH THE DOOR WILL GET CUB. I DREW MY SERVICE PISTOL AND PEPPER MACE AND DEMANDED THAT HE DROP THE KNIFE BUT HE DID NOT. I THEN SPRAYED HIM WITH THE PEPPER MACE AND MR. MURPHY FELL TO THE FLOOR AND DROPPED THE KNIFE. MR. MURPHY COMPLIED WITH MY ORDER FROM THAT POINT ON. MR. MURPHY WAS TAKEN INTO CUSTODY AND GIVEN HIS RIGHTS. VICTIMS OF THE ASSAULT WERE CHELSA WILLIS, MR. MURPHY'S COMMON LAW WIFE AND JEANNE EVANS A FRIEND OF THE FAMILY.

WITNESS MY SIGNATURE THIS THE 17 DAY OF AUGUST, 1997.

James R. Lee  
AFFICANT SIGNATURE

AGENCY

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE 17 DAY OF August 1997.

[Signature]  
NOTARY PUBLIC/MAGISTRATE

## ORDER

THE FOREGOING AFFIDAVIT HAVING BEEN PRESENTED TO ME AND UPON MY EXAMINATION OF THE FACTS AND CIRCUMSTANCES CONTAINED THEREIN, IT IS HEREBY ORDERED THAT PROBABLE CAUSE EXIST/DOES NOT EXIST TO WARRANT FURTHER DETENTION OF THE ABOVE NAMED ACCUSED. THEREFORE, IT IS ACCORDINGLY ORDERED THAT \_\_\_\_\_ REMAIN IN THE CUSTODY OF THE VAN ZANDT COUNTY SHERIFF'S DEPARTMENT/BE RELEASED FROM CUSTODY.

DATE/TIME

MAGISTRATE/VAN ZANDT COUNTY, TEXAS

00559

08/26/1997 15:19 19038735512

CITY OF WILLS POINT

PAGE 02

WILLS POINT POLICE DEPARTMENT  
WILLS POINT, TEXAS  
SUPPLEMENTARY INVESTIGATIVE REPORT

DATE 08-25-97 COMPLAINANT STATE OF TEXAS OFFENSE # \_\_\_\_\_  
OFFENSE ASS. F/V S.B.I. CLASSIFICATION FEL OFFICER JAMES R. LEE

ON AUGUST 25, 1997 I CALLED LESLIE WITH THE DISTRICT ATTORNEY'S OFFICE AND TOLD HER ABOUT THE JEDIDIAH MURPHY CASE THAT THE VICTIM CAME TO THE POLICE DEPARTMENT AND SAID THAT HER NOSE HAD NOT BEEN BROKEN. LESLIE AND I AGREED THAT THE CHARGE SHOULD BE LOWERED TO ASSAULT/BODILY INJURY, M-A. THE VICTIM'S NAME IN THIS CASE IS CHELSEA WILLIS, THE COMMON LAW WIFE OF JEDIDIAH MURPHY.

  
OFFICER'S SIGNATURE

00560

(NOT UNDER ARREST)

Address 727 E. N. COMHAGE  
Phone # N.C. PHONE  
Date of birth 03/08/77  
Drivers Lic. 16469642

Page No. 1 of 1 Page

I, Chelsea Willis, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to OFFICER LEE. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

Me & Lince was arguing. Nothing  
Serious. Friend tried to step  
in & that's all really  
no charges or anything to be  
pressed

Thanks  
Chelsea

SORRY

I have read each page of this statement consisting of 1 page(s) each page of which bears my signature, and corrections, if any, bear my initials and I certify that the facts contained herein are true and correct.

Dated at 6:13 P.M., this 17<sup>th</sup> day of April, 1992.

Witness James P. Lee  
Witness \_\_\_\_\_

Chelsea Willis  
Signature of person giving  
voluntary statement

00561

ID # Q0005358

VAN ZANDT SHERIFF'S OFFICE  
ARREST REPORT

Aug 18, 1997

Name: MURPHY, JEDIDIAH ISAAC  
Addr: 734 LOT 4  
WILLS POINT, TX 75169  
903-000-0000 Res: Y

AKA: MURPHY, JIM

Born: 9/01/75 in SONORA, TX  
Age: 21 years old as of 8/18/97  
Citizen of UNITED STATES

Sex:	M	Hispanic:	N	Race:	W-WHITE
Height:	5'10"	Weight:	135	Build:	B-THIN
Hair Color:	BRO	Eye Color:	BRO	Skin:	F-FAIR
Glasses:	C	Shoe Size:	10	Hand:	R
Marital Stat:	S	Dependents:	1	Caution:	-

Occupation: COC OPERATOR  
Employer: INTEL  
TERRELL, TX 75160  
972-524-1122 06/97  
Education: 12SOC: 456-71-2610 OLS: TX OLY: 97 OLN: 12468174  
FBI: 93818WA4 State: TX05280958 Old No SPN No

Prints: 23040718092311121312

DAD	MURPHY, BOB	
	P O BX 885	
	EDGEWOOD	TX 75117 Res Y
	903-962-4871	01/19/95
MOTHER	HOPE, ABBOTT	
	6305 FM 429	
	KAUFMAN	TX 75142 Res Y
	903-962-7443	09/05/95

S/M/T: SC-ABDOM -APPENDECIDES

Remarks:

Arrested 8/17/97 @ 19:42 21 years old

W-004

Incident:	Dept Disp: ARREST/INI APPEARANCE
Arr Type: ON-VIEW	Pros Disp:
Grid/Loc: 0004/334 E.N.COMMERCE	Adult/Juv: A Film No:
Arr OFC: LEE, JAMES	Drug Use? N Alcohol?
Asst OFC:	How Armed: UNARMED
	IBR Code: 11A UCR Code: 0210

Charged With:	
Section: PC22.02	ASSAULT W/SBI
Incident:	
Warrant:	Agency: W-VZDC
Remarks:	
Crim Actv:	

Charge Type: FELONY 3	Counts: 1
Fed/St/Local: S	
NCIC: 1100	
IBR Code: 11A	
UCR Code: 0210	

OF REPORT

00562



ID # 00005358 VANDT SHERIFF'S OFFICE 8/18/97 @ 14:34  
Book# 97001601 BOOKING REPORT

Name: MURPHY, JEDIDIAH ISAAC MALE 21 5'10" 135 WHITE

Classification: 1 1ST OFFENDER  
Arrested: 8/17/97 @ 19:46 Order:

Cell: HOLD HOLDING  
Reason: C CRIMINAL CHARGE

Transport by: L2203 LEE, JAMES  
Searched by: S5018 SHELTON, JAMES(SKIP)  
Picture by: S5018 SHELTON, JAMES(SKIP)  
Prints by: S5018 SHELTON, JAMES(SKIP)

PAT DOWN

Scheduled Release: 0/00/00 @ 0:00  
Actually Released: 0/00/00 @ 00:00 by  
Release reason:  
Released to:  
Time in custody: 2 days

00563

Nov-27-00 14:08 ARL PD 817 459 5323

P.02

# Incident Report

## Arlington, Texas Police Department

**DRAFT****972380237**Supplement No  
**ORIG**

620 W Division St

Reported Date  
**08/27/1997**

Arlington, TX 76010

Nature of Call

Entry By

(817) 459-5700

(817) 459-5680 (Records Dept.)

P.O. Box 1065, Arlington TX 76004-1065

**Incident Information**

Agency <b>ARLINGTON POLICE</b>	Report No <b>972380237</b>	Supplement No <b>ORIG</b>	Reported Date <b>08/27/1997</b>
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Call No

Status

Nature of Call

Location

**800 W RANDOL MILL RD**

City

**ARLINGTON**

ZIP Code

PRA

From Date

From Time

To Date

To Time

Officer

**1559/NEESE, DARLA KAY**

Assignment

Entry By

RC Status

RC Status Date

Status Time  
**00:00:00**

Confidential?

RMS Transfer

Beat

Sector

Division

Location Name

**ARL MEMORIAL HOSPITAL**

CPS

DA'S OFFICE

ME'S OFFICE

PROSECUTE NO

PROSECUTE YES

TABC

**Summary Narrative**

UNKNOWN SUSPECT INTENTIONALLY AND KNOWINGLY ROBBED VICTIM OF HER VEHICLE, AND REFUSED TO LET HER GET OUT OF HER VEHICLE, WITHOUT HER EFFECTIVE CONSENT.

Nov-27-00 14:09 ARL PD 817 459 5323

P.03

# Incident Report

## Arlington, Texas Police Department

**DRAFT****972380237**Supplement No  
ORIG**Narrative**

ON TUESDAY , AUG 26, 1997 AT 0000 HOURS, D. NEESE , ID 1559, WAS DISPATCHED TO A REPORT OF ROBBERY AT ARL MEMORIAL HOSPITAL, AND WAS INFORMED IT HAD JUST OCCURRED IN THE AREA OF W RANDOL MILL AND NW GREEN OAKS. UPON ARRIVAL AT THE HOSPITAL I MADE CONTACT WITH DANA JONES (WITNESS), W/F, 2-4-54, WHO STATED THAT SHE WAS WESTBOUND ON THE 2800 BLOCK OF W RANDOL MILL, IN THE CENTER LANE, AT THE RED LIGHT AT 1500 NW GREEN OAKS BLV. SHE STATED SHE WAS PREPARING TO TURN LEFT WHEN SHE NOTICED A WHITE COLORED CAR GOING FAST, COMING DOWN THE HILL TOWARDS GREEN OAKS, AND IT TURNED RIGHT TO GO NORTHBOUND AT NW GREEN OAKS. SHE STATED WHEN THE CAR TURNED RIGHT, THE PASSENGER DOOR FLEW OPEN AND AT APPROX THE INTERSECTION OF OAKWOOD AND NW GREENOAKS, A W/F TUMBLED OUT OF THE VEHICLE AND THE VEHICLE CONTINUED TO GO NORTHBOUND ON GREEN OAKS. JONES STATED THE FEMALE GOT UP AND WAS WALKING AROUND TRYING TO PICK UP HER SHOES, WHEN SHE PULLED UP AND THE VICTIM STATED SHE HAD BEEN ABDUCTED, AND ASKED THAT SHE TAKE HER TO ARL MEMORIAL HOSPITAL. I THEN SPOKE TO THE SECOND WITNESS, LESLIE DUNKIN, W/F, 6-5-59. MS DUNKINSTATED SHE WAS DRIVING NORTHBOUND ON NW GREEN OAKS, APPROACHING 2800 W RANDOL MILL, WHEN SHE SAW DANA JONES ATTEMPTING TO GET THE VICTIM INTO HER CAR. IT SHOULD BE NOTED THAT MS JONES DRIVES A VOLKSWAGON BUG AND THE CAR WAS SMALL. DUNKIN PULLED UP AND PUT THE VICTIM IN HER VAN, AND TRANSPORTED HER TO ARL MEMORIAL HOSPITAL. I GATHERED ALL THEIR INFORMATION FOR THE REPORT AND ASKED IF THEY WOULD STAND BY. I THEN WENT BACK TO THE EMERGENCY ROOM AND MADE CONTACT WITH THE VICTIM, IDENTIFIED AS SHERRYL WILHELM, W/F, 1-19-50. I GATHERED FROM HER THAT THE SUSPECT WAS A W/M WITH TAN SKIN, BLACK HAIR SHAVED CLOSE TO HIS HEAD AND LONGERON TOP, BROWN EYES, A GOLD HOOP EARRING IN HIS LEFT EAR, A SLENDER FACE, EARLY 20'S, WEARING A DARK BLUE TSHIRT AND BLUE JEANS, 5'10", THIN BUILD. SHE STATEDHE DID NOT HAVE A WEAPON; HOWEVER, HE CHOKED HER AT ONE TIME. HE STOLE HER 1990, WHITE PONTIAC GRAND AM, 4D, LICENSE CBB42X. I BOLOED THE SUSPECT INFORMATION TO ALL UNITS, AS WELL AS THE CORRECT LICENSE PLATE. IT SHOULD BE NOTED THAT IN THE ORIGINAL TEXT OF THE CALL, WE HAD BEEN GIVEN THE WRONG LICENSE PLATE BY ONE OF THE WITNESSES. THE LICENSE PLATE WAS RUN AND IT CAME BACK TO MS WILHELM'S HUSBAND GARY. THE VEHICLE WAS THEN ENTERED AS STOLEN INTONCIC, AS WELL AS TCIC. THE VICTIM, SHERRYL WILHELM, STATED THAT SHE WORKED AT ARL MEMORIAL HOSPITAL IN RADIOLOGY, DOING TRANSCRIPTIONS. SHE STATED ON HER LUNCH BREAK, SHE DECIDED SHE WOULD WALK OUT TO HER CAR AND JUST SIT IN HER CAR, JUST TO RELAX FOR A WHILE. SHE LEFT THE HOSPITAL AND WENT TO THE NORTH PARKING LOT, WHICH WAS ON THE NORTH SIDE OF 800 W RANDOL MILL, AND WALKED OUT TO HER PONTIACGRAND AM. SHE STATED SHE WAS PARKED IN THE NORTH PARKING LOT, NEAR THE NORTH END, BY THE DOCTOR OFFICES. SHE WENT TO OPEN HER CAR DOOR AND SIT DOWN, AND JUST AS SHE WAS GETTING READY TO SIT, SHE WAS PUSHED OVER BY THIS W/M, WHO TOLDHER TO MOVE OVER, "I WON'T HURT YOU. I JUST NEED A RIDE TO FORT WORTH." SHE STATED HE PUSHED HER OVER INTO THE PASSENGER SEAT, SHE CRAWLED OVER TOWARD THE PASSENGER SEAT, AND HE GOT IN THE VEHICLE WITH HER. SHE BEGAN TO OFFER HIM MONEY AND TOLD HIM SHE WOULD GIVE HIM MONEY FOR A CAB OR ANYTHING, BUT JUST LETHER GET OUT

Nov-27-00 14:09 ARL PD 817 459 5323

P.04

# Incident Report

## Arlington, Texas Police Department

**DRAFT****972380237**Supplement No  
ORIG**Narrative**

OF THE CAR. HE TOLD HER TO GET DOWN ON THE FLOOR AND WAS TRYING TO PUSH HER ONTO THE FLOORBOARD. SHE TOLD HIM SHE COULD NOT FIT IN THE FLOORBOARD AND COULDN'T GET DOWN THERE. IT WAS AT THIS TIME SHE TRIED TO OPEN THE PASSENGER DOOR AND GET OUT, BUT THE SUSPECT GRABBED HER WITH BOTH HANDS AND BEGAN CHOKING HER AROUND THE NECK. WILHELM STATED SHE THEN STOPPED TRYING TO GET OUT OF THE CAR AND HE SAID, "I WON'T HURT YOU. I JUST NEED TO GO TO FORT WORTH; MY MOTHER IS SICK." HE KEPT SAYING OVER AND OVER, "I WON'T HURT YOU. I WON'T HURT YOU. DON'T MAKE ME HURT YOU." HE STOPPED CHOKING HER AND STARTED DRIVING THE VEHICLE. HE HAD TOLD HER TO GET DOWN AND YELLED AT HER SEVERAL TIMES TO GET DOWN. SHE HAD HER HEAD DOWN BY HER KNEES, AND OCCASIONALLY WHEN SHE WOULD RAISE UP TO KIND OF LOOK TO SEE WHERE THEY WERE, HE WOULD CONTINUE TO YELL AT HER TO GET DOWN. SHE STATED SHE RAISED UP AFTER HE HAD BEEN DRIVING FOR A FEW MINUTES, AND SHE SAW THAT HE WAS ON THE WEST END OF RANDOL MILL, AND HE WAS APPROACHING THE FREEWAY. IT WAS AT THIS TIME SHE STATED SHE WAS IN FEAR FOR HER LIFE AND WAS AFRAID IF SHE DIDN'T GET OUT OF THE VEHICLE, SHE WOULD BE KILLED. AS HE WENT AROUND THE CORNER, TURNING RIGHT TO GO NORTHBOUND ON GREEN OAKS, SHE OPENED THE DOOR AND JUMPED OUT. THE SUSPECT CONTINUED DRIVING NORTHBOUND ON GREEN OAKS, AND ACCORDING TO WILHELM, AS SHE OPENED THE DOOR TO GET OUT, HE SPED UP. I ASKED HER APPROX HOW FAST HE MIGHT HAVE BEEN GOING AND SHE ESTIMATED THE SPEED BETWEEN 45-55 MPH WHEN SHE JUMPED OUT. I ASKED HER IF HE HAD SHOWN HER ANY WEAPONS OR THREATENED HER WITH ANY WEAPONS, AND SHE STATED HE DID NOT PRESENT ANY WEAPONS TO HER OR TELL HER THAT HE HAD ANY WEAPONS. SHE STATED THE ONLY TIME HE ASSAULTED HER WAS WHEN HE GRABBED HER AROUND THE NECK IN THE PARKING LOT AND BEGAN CHOKING HER WITH BOTH HANDS. IT SHOULD BE NOTED THAT WILHELM HAD SEVERAL ABRASIONS OVER HER BODY: HER FACE, HER HANDS, HER FEET, WHICH SHE SUSTAINED WHEN SHE JUMPED OUT OF THE VEHICLE. CRIME SCENE TECHNICIAN INGRAM, ID 1079, WAS ON SCENE AND TOOK PHOTOGRAPHS FOR THIS REPORT. DETECTIVE STANTON, ID 0743, WAS CONTACTED AND ARRIVED ON SCENE TO CONTINUE THIS INVESTIGATION. DETECTIVE STANTON, MYSELF, AND CRIME SCENE TECHNICIAN INGRAM, GATHERED OUR INFORMATION FOR THE REPORT, THEN WENT TO THE PARKING LOT ON THE NORTH SIDE OF THE HOSPITAL, WHERE THE VICTIM'S VEHICLE WAS EARLIER PARKED, AND LOOKED FOR EVIDENCE, BUT FOUND NONE. IT SHOULD BE NOTED THAT ACCORDING TO CO-WORKERS, THE VICTIM LEFT WORK AT APPROX 1130 HRS TO GO TO LUNCH, AND THE VICTIM STATED SHE JUST WALKED FROM THE HOSPITAL TO HER VEHICLE; THEREFORE, THE OFFENSE TIME WAS ESTIMATED TO BE BETWEEN 1130-1145 HRS. ONCE AGAIN, THE VICTIM FELT PAIN AND WAS WILLING TO PROSECUTE. THIS WILL BE LEFT OPEN FOR INVESTIGATION. THE AREA OF N GREEN OAKS AND THE NORTHERN PART OF ARL, WAS SEARCHED BY OFFICERS FOR THE VEHICLE; HOWEVER, THE VEHICLE WAS NOT LOCATED. ALSO NOTE THAT SURROUNDING AGENCIES, SUCH AS EULESS, GRAND PRAIRIE, AND FORT WORTH, WERE NOTIFIED OF THIS INCIDENT AND GIVEN THE VEHICLE DESCRIPTION. NO FURTHER. NORTH

00566

Nov-27-00 14:10 ARL PD 817 459 5323

P.05

**Incident Report**  
**Arlington, Texas Police Department**

**DRAFT**

**972380237**

Supplement No  
0021

**Narrative**

CONTINUATION: PLEASE ADD THE VIN #1G2NE54D7LC321980. THE PLATE IS CBB42X.  
THE VEHICLE IS A 1990 PONTIAC GRAND AM FOUR DOOR, WHITE IN COLOR,  
REGISTERED TOWILHELM, GARY, OUT OF GRAND PRAIRIE. NO FURTHER. BY OFFICER  
D NEESE ID 1559. TM/1344 NORTH SIDE.

Nov-27-00 14:10 ARL PD 817 459 5323

P.06

**Incident Report**  
**Arlington, Texas Police Department**

**DRAFT**

**972380237**

Supplement No  
0022

**Narrative**

082797 WICHITA FALLS PD SENT A TELETYPE ADVISING THEY HAD LOCATED THIS VEHICLE ABANDONED AT 4939 SEYMOUR HWY UNOCCUPIED, WITH THE KEYS IN IT, NO DAMAMGE. A DET STECCO IS HANDLING THE CASE AND THE PHONE NUMBER IS 940-761-7773. THE VEH HAS BEEN PROCESSED BY THEIR CRIME SCENE, CLEARED AND LOGGED IN THE BOOK. THIS OPERATOR NOTIFIED BOTH DET STANTON AND SGT HAWTHORNE. OPERATOR T JACK SENT THE TELETYPE CONFIRMATION. END OF REPORT/CHERRY/9118

Nov-27-00 14:11 ARL PD 817 459 5323

P.07

# Incident Report

## Arlington, Texas Police Department

DRAFT

972380237

Supplement No  
0023

### Narrative

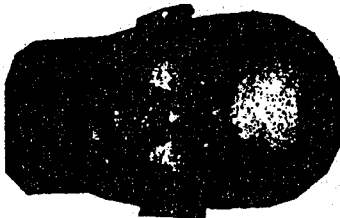
VICTIM: WILHELM, SHERRYL DET. ASSIGNED: J.T. STANTON #743 OFFENSE: ROBBERY  
 DATE ASSIGNED: 8-26-97 . I WAS ASSIGNED THIS CASE INVOLVING THE VICTIM BEING  
 FORCED INTO HER CAR AND DRIVEN TO THE AREA OF GREEN OAKS BLVD AND  
 RANDOL MILL ROAD, WHERE SHE JUMPED FROM HER OWN CAR, TO GET AWAY FROM  
 THE SUSPECT. STANTON MET THE VICTIM AT THE AMH EMERGENCY ROOM, WHERE  
 SHE DETAILED THE ROBBERY. THE VICTIM'S CAR DESCRIPTION WAS BROADCAST TO  
 THE AREA UNITS. THE CAR WAS LAST SEEN NORTHBOUND ON GREEN OAKS FROM  
 RANDOL MILL. THE VICTIM HAD NUMEROUS LACERATIONS, BRUISES AND DEEP  
 ABRASIONS. HER HIP WAS DEEPLY BRUISED BUT NOT APPARENTLY BROKEN. THE  
 VICTIM DETAILED AND GAVE A VERBAL DESCRIPTION OF THE SUSPECT. STANTON  
 CANVASSED THE AREA OF THE AMH PARKING LOT FOR POSSIBLE WITNESSES. THE  
 LOCAL MEDIA RAN THE STORY AS THE LEAD STORY OF THE DAY. AFTER SEVERAL  
 DAYS, THE VICTIM CAME TO THE POLICE STATION AND GAVE A SKETCH OF THE  
 SUSPECT. THE SKETCH WAS DISTRIBUTED TO THE LOCAL MEDIA AND THROUGH  
 CRIME STOPPERS. THE VICTIM'S CAR WAS RECOVERED IN WICHITA FALLS AND WAS  
 PROCESSED BY THEIR P.D. THE LATENT PRINT CARDS WERE MAILED TO DET.  
 STANTON TO BE USED BY APD CRIME SCENE IN THE AFIS SYSTEM. NONE OF THE  
 COLLECTED LATENTS WERE OF AFIS QUALITY HOWEVER. STANTON GOT A CRIME  
 STOPPER LEAD ON A W/M SUBJECT NAMED HAROLD MCCLESKY, BUT A RECENT  
 PHOTO OF MCCLESKY COULD NOT BE IDENTIFIED BY THE VICTIM. MR. MCCLESKY DID  
 NOT LIVE IN THE AREA OF AMH EITHER. STANTON WAS CALLED BY THE VICTIM UPON  
 HER GETTING HER CAR BACK AND SHE FOUND SOME ITEMS IN HER CAR THAT DID  
 NOT BELONG TO HER. STANTON WENT TO THE VICTIM AND COLLECTED THESE  
 ITEMS. ONE ITEM WAS A CASH RECEIPT FOR PAYMENT TO AN INSURANCE COMPANY  
 IN WICHITA FALLS. THE RECEIPT HAD THE NAME MARGORIE ELLIS ON IT. STANTON  
 CONTACTED THE INSURANCE COMPANY AND WAS GIVEN INFO ON THAT LADY. MS.  
 ELLIS HAD BEEN THE VICTIM OF A PURSE SNATCH TYPE ROBBERY ON THE EVENING  
 AFTER THIS VICTIM WAS ROBBED. UNFORTUNATELY MS. ELLIS COULD PROVIDE NO  
 INFO ON THE YOUNG MAN WHO ROBBED HER SINCE SHE WAS NOT WEARING HER  
 GLASSES AT THE TIME AND THE SUSPECT HIT HER FROM BEHIND. THE COLLECTED  
 ITEMS WERE BROUGHT BY STANTON TO THE CSSU AND THEY WERE ALL PROCESSED  
 AS WELL. NO LATENTS OF ANY QUALITY WERE DEVELOPED. STANTON HAS HAD  
 SOME CONTACTS WITH THIS VICTIM SINCE THE TIME OF HER ROBBERY. SHE WAS  
 EXPLAINED THAT THE FINGERPRINT EVIDENCE WOULD NOT BE GOOD ENOUGH TO  
 RUN IN AFIS AND THAT THE CRIME STOPPERS STORY WOULD BE RUN AGAIN. THERE  
 HAVE BEEN NO ADDITIONAL LEADS DEVELOPED IN THIS CASE. THIS CASE WILL BE  
 INACTIVATED AT THIS TIME PENDING FURTHER DEVELOPMENTS. JTS #743 INA  
 12-17-97

CITY OF ARLINGTON POLICE DEPARTMENT  
PHOTO SPREAD

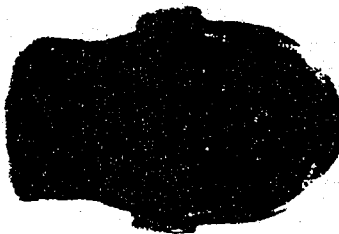
00570



#1  
DATE \_\_\_\_\_  
INITIALS \_\_\_\_\_



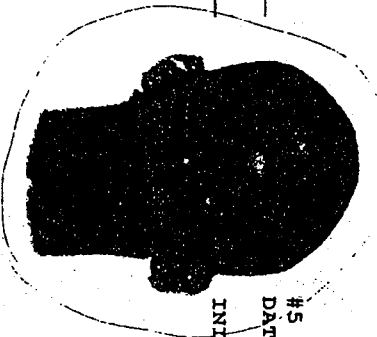
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#3  
DATE \_\_\_\_\_  
INITIALS \_\_\_\_\_



#4  
DATE \_\_\_\_\_  
INITIALS \_\_\_\_\_



#5  
DATE 11-3-2000  
INITIALS JLD



#6  
DATE \_\_\_\_\_  
INITIALS \_\_\_\_\_

SECTION CAPERS

TIME PHOTO SPREAD SHOWN 1205 hrs

VIEWS BY Sheryl Williams

OFFICER Telvin T. Stanton #743

DATE PHOTO SPREAD SHOWN 11-3-2000

DATE OF OFFENSE 8-26-1997

OFFENSE Robbery

LOCATION PHOTO SPREAD SHOWN 3610 S. Elm  
Grand Prairie

REPORT # 972381237



Dec 01 00 01:51p

Wichita Falls PD

(940)761-7797

P.3

## WICHITA FALLS POLICE DEPARTMENT

## Crime Report

610 Holliday St, Wichita Falls, TX 76301

Reported Date: 08/26/97 Time: 20:24 Case: 97-082405 Page: 1  
 Code: 29.03 PC Crime: AGG ROBBERY Class: 030410  
 Occurrence Date: 08/26/97 Day: TUESDAY Time: 20:15-20:22  
 Status: AF ACTIV FELONY Closing Officer: RD: 6143  
 Location: 2304 KEMP BL., WF  
 AGG ROBBERY OF AN INDIVIDUAL

===== INVOLVED PERSONS =====  
 VICTIM-1: ELLIS MARGIE DOB: 01/10/28 Race: W Sex: F  
 3010 BARRYWOOD DR., WF  
 Apt: State: TX Zip: 76310 Phone: Adu/Juv: A  
 POB: Hair: GRY Eye: GRY Hgt: 505 Wgt: 170 Bld:  
 Business Name: Phone:

-----  
 WITNESS-1: OZUNA FELIX TREVINO DOB: 11/23/43 Race: W Sex: M  
 1613 HAYES ST., WF  
 Apt: State: TX Zip: 76309 Phone: 940 322-5334 Adu/Juv: A  
 POB: Hair: GRY Eye: BRO Hgt: 506 Wgt: 120 Bld:  
 Business Name: JUV PROB OFFICER  
 Phone:  
 WICHITA FALL, TX

===== SUSPECTS/ARRESTS =====  
 SUSPECT-1: AUG 97-082405 DOB: Race: H Sex: M  
 Apt: State: Zip: Phone: Adu/Juv: A  
 POB: Hair: BRO Eye: Hgt: 510 Wgt: 170 Bld:  
 Business Name: Phone:

Driver License: Social Security:  
 CII: FBI: Booking Number:  
 ===== CRIME ANALYSIS ELEMENTS =====  
 Age: 30-40 Hair Length: SHORT Hair Type: THICK  
 Hair Style: BUSKY, WAVY Complexion: LIGHT/FAIR Pants: BLU  
 Shirt: PLAID L/S

===== PROPERTY =====  
 Item Number: 0001 Evid/Cust: N Property Type: S Cat: P Article: PURSE  
 Brand: Model: Serial: Group Serial:  
 Descr: BLU CANVAS PURSE W/FLOWER PATTERN Qty: 1 Value:  
 Item Number: 0002 Evid/Cust: N Property Type: S Cat: J Article: J MISC  
 Brand: DIA Model: Serial: Group Serial:  
 Descr: ASST DIAMOND JEWELRY Qty: 6 Value:  
 Item Number: 0003 Evid/Cust: N Property Type: S Cat: P Article: BILLFO  
 Brand: Model: Serial: Group Serial:  
 Descr: BLK NYLON CASE W/SS CARD/CREDIT CARDS Qty: 1 Value:

Standard Trailer - First Page

Reporting Officer: FOLMAR KEVIN Number: 000564 Date: 08/26/97 Time: 20:24  
 Typed by: ALLENJ Number: 839 Date: 08/27/97 Time: 09:43  
 Approving Officer: BORREGO MANUE Number: 000002 Date: 09/10/97 Time: 13:47

00571

Dec 01 00 01:51p

Wichita Falls PD

(940)761-7797

P.4

## CRIME REPORT CONTINUATION

WICHITA FALLS POLICE DEPARTMENT

Reported Date: 08/26/97 Time: 20:24 Case: 97-082405 Page: 2  
 Code: 29.03 PC Crime: AGG ROBBERY Class: 030410

Item Number: 0004 Evid/Cust: N Property Type: S Cat: D Article: CHECK  
 Brand: Model: Serial: Group Serial:  
 Descr: CHECKBOOKS (2 SEPERATE ACCTS) Qty: 2 Value:

Item Number: 0005 Evid/Cust: N Property Type: S Cat: D Article: CHECK  
 Brand: Model: Serial: Group Serial:  
 Descr: CHECK IN VICTIM'S NAME Qty: Value:

Item Number: 0006 Evid/Cust: N Property Type: S Cat: E Article: KEY  
 Brand: Model: Serial: Group Serial:  
 Descr: KEYS Qty: Value:

## ===== PROPERTY SUMMARY =====

Clearance:

DESCRIPTION	STOLEN		RECOVERED	
	QTY	VALUE	QTY	VALUE
Currency, Notes, etc.:	1	3		
Jewelry and Precious Metals:	6	6		
Clothing and Furs:	2	2		
Miscellaneous:	1	1		
Totals:	10	12	0	0

===== MO FACTORS =====  
 Place: BEAT 6 Area: SHOP/CENTER Structure: FAST FOOD  
 Target: ELDERLY (65 +) Actions: PURSE SNATCH, SELECTIVE IN LOOT  
 Evidence: NONE

## ===== NARRATIVE =====

STOLEN: \$3.00 CASH

TYPED BY J ALLEN

## Standard Trailer - Continuation

Reporting Officer: FOLMAR KEVIN Number: 000564 Date: 08/26/97 Time: 20:24  
 Typed by: ALLENJ Number: 839 Date: 08/27/97 Time: 09:43  
 Approving Officer: BORREGO MANUE Number: 000002 Date: 09/10/97 Time: 13:47

00572

Dec 01 00 01:51p

Wichita Falls PD

(940)761-7797

p.5

WICHITA FALLS POLICE DEPARTMENT

Crime Report

610 Holliday St, Wichita Falls, TX 76301

Reported Date: 08/26/97 Time: 20:24 Case: 97-082405 Page: 1  
Code: 29.03 PC Crime: AGG ROBBERY Class:  
Occurrence Date: 08/26/97 Day: TUESDAY Time: 20:15-20:22  
Status: AF ACTIV FELONY Closing Officer: 000651 COOK KYLE  
Location: 2304 KEMP BL., WF RD: 6143  
AGG ROBBERY OF AN INDIVIDUAL

===== NARRATIVE =====

I WAS ASSIGNED THIS CASE ON 08-27-97 TO INVESTIGATE THE OFFENSE OF ROBBERY AS REPORTED BY THE COMPLAINANT, MARGIE ELLIS.

ON 08-26-97 AT APPROX. 2024 HRS., OFFICERS WERE DISPATCHED TO 2304 KEMP (BRAUMS) IN REFERENCE TO A ROBBERY. UPON THEIR ARRIVAL THEY SPOKE WITH THE VICTIM, ELLIS. SHE STATED A LIGHT SKINNED HISPANIC MALE OR A WHITE MALE HAD ROBBED HER. SHE STATED THAT SHE WAS WALKING TO HER VEHICLE IN THE PARKING LOT OF BRAUMS. SHE STATED SHE FIRST NOTICED THE SUSPECT WALKING BY HER VEHICLE. SHE STATED AS SHE CONTINUED TO HER VEHICLE THE SUSPECT APPROACHED HER. SHE STATED SHE THEN MOVED HER PURSE STRAP UP ONTO HER SHOULDER AND GRABBED A HOLD OF HER PURSE WITH BOTH HANDS IN FEAR THE SUBJECT SHE HAD SEEN WAS GOING TO TAKE HER PURSE. SHE STATED THE SUSPECT THEN RAN UP TO HER AND GRABBED HER PURSE. SHE STATED SHE STRUGGLED WITH THE SUSPECT. SHE STATED THE SUSPECT JERKED THE PURSE AWAY FROM HER CAUSING HER TO FALL. SHE STATED THE SUSPECT SAID NOTHING TO HER AND SHE SAW NO WEAPONS. SHE STATED SHE DID NOT GET A GOOD LOOK AT HER ATTACKER DUE TO HAVING BAD EYE SIGHT.

A SUBJECT BY THE NAME OF FELIX OZUNA TOLD OFFICERS THAT HE SAW THE SUSPECT RUN FROM THE AREA AND GAVE CHASE. HE STATED HE LOST SIGHT OF HIM IN AN ALLEY ON TILDEN.

ON 08-27-97 AT APPROX. 0955 HRS., OFFICERS WERE DISPATCHED TO 5000 BLK OF SEYMOUR HWY ON A REPORT OF A SUSPICIOUS VEHICLE. A CHECK OF THE VEHICLE REVEALED IT HAD BEEN TAKEN IN A CAR JACKING OUT OF ARLINGTON, TX ON 08-26-97. SEVERAL ITEMS OF IDENTIFICATION WERE FOUND ON THE GROUND BY THE VEHICLE. THE IDENTIFICATION WAS IN THE NAME OF MARGIE ELLIS. DETECTIVE RUTLEDGE AND I RESPONDED TO THIS LOCATION. THERE WE MET OFFICER BOND AND I.D. TECH CALLAHAN. BOND ADVISED US OF THE SITUATION. CALLAHAN COLLECTED THE FOUND PROPERTY. THE VEHICLE WAS IMPOUNDED AND PROCESSED. NO AFIS QUALITY PRINTS WERE DEVELOPED.

I THEN SPOKE WITH DETECTIVE JOHN STANTON OF THE ARLINGTON PD. HE STATED THE VEHICLE WAS TAKEN ON 08-26-97 AT APPROX. 1130 HRS. HE STATED THE OWNER OF THE VEHICLE WAS ABDUCTED DURING THE JACKING. HE STATED HIS VICTIM WAS ABLE TO JUMP FROM THE VEHICLE CAUSING HER SERIOUS INJURY. HE STATED SHE DESCRIBED THE SUSPECT AS A MALE SUBJECT WITH OLIVE COLORED SKIN. TALL AND THIN.

I THEN HAD DISPATCH BROADCAST A COS IN REFERENCE TO THE ROBBERY AND CAR JACKING.

AT APPROX 2000 HRS SAME DATE, I WAS CALLED TO THE POLICE STATION IN REFERENCE TO A POSSIBLE SUSPECT IN THE ABOVE OFFENSES BEING DETAINED. UPON MY ARRIVAL AT THE STATION I MET WITH LT. ARNOLD AND SCT. YONTS. YONTS TOLD  
Standard Trailer - First Page

Reporting Officer: COOK KYLE Number: 000651 Date: 09/30/97 Time: 11:03  
Typed by: COOKX Number: 651 Date: 09/30/97 Time: 11:04  
Approving Officer: ARNOLD LAURA Number: 000321 Date: 10/14/97 Time: 15:06

00573

Dec 01 00 01:52p

Wichita Falls PD

(940)761-7797

P.6

C R I M E   R E P O R T   C O N T I N U A T I O N  
WICHITA FALLS POLICE DEPARTMENT

Reported Date: 08/26/97 Time: 20:24  
Code: 29.03 PC

Crime: AGG ROBBERY

Case: 97-082405  
Class:

Page: 2

ME THAT OFFICERS WERE SENT ON KARLA STREET IN REFERENCE TO A SUSPICIOUS PERSON IN THE AREA. UPON THEIR ARRIVAL THEY HAD A WHITE MALE RUN AND HIDE FROM THEM. AFTER SEVERAL MINUTES OF SEARCHING THEY FOUND THIS SUBJECT IN A RESIDENCE LOCATED AT 4706 KARLA. HE WAS IDENTIFIED AS JOHN EGBERT WARREN. HE STATED THAT HE HAD JUST MOVED BACK HERE FROM THE IRVING, TX. DUE TO THIS STATEMENT AND THE FACT HE HAD RAN AND TRIED TO HIDE FROM THE POLICE, OFFICERS FELT HE WAS POSSIBLY INVOLVED IN THE ABOVE ROBBERY AND CAR JACKING. WARREN THEN AGREED TO GO TO THE POLICE STATION AND TALK WITH DETECTIVES.

WARRAN GAVE A TAPED STATEMENT TO MYSELF. HE DENIED ANY KNOWLEDGE OF THE ROBBERY OR CAR JACKING. HE DID CONSENT TO HIS FINGER, PALM PRINTS AND PERSONAL PHOTOGRAPHS TO BE TAKEN. DETECTIVE PURSLEY TOOK WARREN'S PRINTS. WARREN WAS THEN TRANSPORTED BACK TO HIS RESIDENCE BY MYSELF. PURSLEY THEN COMPARED WARREN'S PRINTS TO SOME PALM PRINTS RECOVERED FROM THE STOLEN VEHICLE. NO MATCH WAS MADE.

ON 08-27-97 MS. ELLIS CONTACTED ME AND INFORMED ME THAT HER PURSE HAD BEEN FOUND BY A JULIE GAYNOR ON MINNETASKA AVENUE. SHE STATED HER KEYS AND BOTH CHECKBOOKS WERE FOUND TO STILL BE IN THE PURSE. SHE STATED THE ONLY THINGS FOUND TO BE MISSING ARE HER JEWELRY, A SMALL AMOUNT OF MONEY, HER CREDIT CARDS AND I.D., AND HER MEDICAL CARDS AND PAPERS. IT SHOULD BE NOTED THAT HER CREDIT CARDS AND MEDICAL PAPERS WERE FOUND ON SEYMOUR HWY BY THE STOLEN VEHICLE. THE ONLY THING THAT WAS NOT RECOVERED WAS THE JEWELRY.

ON 08-28-97 I MET WITH MS. ELLIS. SHE STATED SHE WAS STILL SORE FROM THE FALL. SHE THEN GAVE ME A DESCRIPTION OF THE JEWELRY THAT WAS STOLEN. I THEN GAVE A COPY OF THE LIST TO DETECTIVE FARRIS WHO WORKS THE PAWN DETAIL. ELLIS AGAIN DESCRIBED THE SUSPECT TO ME. HER DESCRIPTION MATCHED THAT OF THE DESCRIPTION GIVEN TO ME BY OFFICER STANTON OUT OF ARLINGTON.

I THEN SPOKE WITH JULIE GAYNOR WHO WAS THE PERSON THAT FOUND THE PURSE. SHE STATED SHE FOUND THE PURSE IN THE STREET BY THE CURB IN FRONT OF HER HOUSE. SHE STATED SHE DID NOT OR HAS NOT SEEN ANY SUSPICIOUS PERSONS IN THE AREA.

THERE HAS BEEN NO NEW LEADS IN THIS CASE. SPEAKING WITH DETECTIVE STANTON IN ARLINGTON, HE ADVISED THERE HAS BEEN NO NEW LEADS IN HIS CASE. IT IS MY OPINION THAT THE PERSON THAT JACKED THE CAR IN ARLINGTON MAY HAVE BEEN JUST TRAVELLING THROUGH WICHITA FALLS AND COMMITTED THIS ROBBERY FOR TRAVELLING MONEY. AS FOR THE VEHICLE BEING RECOVERED HERE THERE WAS A LARGE PATCH OF OIL ON THE ROADWAY INDICATING THE VEHICLE MAY HAVE QUIT ON HIM.

DUE TO NO VIABLE LEADS TO FURTHER THIS CASE, I RECOMMEND IT TO BE CLOSED BY EXCEPTION.

END OF REPORT.

KYLE COOK #651

S t a n d a r d   T r a i l e r   -   C o n t i n u a t i o n

Reporting Officer: COOK KYLE	Number: 000651	Date: 09/30/97	Time: 11:03
Typed by: COOKK	Number: 651	Date: 09/30/97	Time: 11:04
Approving Officer: ARNOLD LAURA	Number: C00321	Date: 10/14/97	Time: 15:08

00574

PROSECUTION REPORT  
KAUFMAN COUNTY SHERIFF'S DEPARTMENT

MURPHY, JEDIDIAH W/M 9-1-75  
DEFENDANT

240-031-99  
CASE NUMBER

EVADING ARREST OR DETENTION W/MOTOR VEHICLE  
OFFENSE

MISDEMEANOR A  
DEGREE OF OFFENSE



SGT. II TIMMY MOORE #3454  
CASE PREPARED BY:  
*Capt. Bill Harker 3450*  
APPROVED BY C.I.D. CAPTAIN:

AUG 31 1999  
*12*

00575

CHRONOLOGY OF EVENTS

THURSDAY, MAY 13, 1999, APPROXIMATELY 2151 HOURS, KAUFMAN COUNTY SHERIFF'S DEPARTMENT DEPUTY JERRY WOOD AND DEPUTY HAL TIMM WERE DISPATCHED TO THE FAITH BAPTIST CHURCH, IN REFERENCE TO A POSSIBLE ATTEMPTED SUICIDE. WHILE ENROUTE, THE DISPATCHER ADVISED THAT THE SUSPECT WAS TRAVELING WEST BOUND ON HIGHWAY 243 IN A MAROON CHEVROLET 4X4 PICKUP. DEPUTY WOOD AND DEPUTY TIMM SET UP AT PAT'S COUNTRY STOP ON HIGHWAY 243 AND FARM TO MARKET ROAD 2727 TO ATTEMPT TO LOCATE THE SUSPECT VEHICLE.

THURSDAY, MAY 13, 1999, APPROXIMATELY 2200 HOURS, DEPUTY WOOD AND DEPUTY TIMM OBSERVED A VEHICLE MATCHING THAT DESCRIPTION TRAVELING WEST BOUND ON HIGHWAY 243. DEPUTY WOOD PULLED BEHIND THE VEHICLE AND ACTIVATED HIS EMERGENCY LIGHTS, AT WHICH TIME THE VEHICLE PROCEEDED TO TRAVEL NORTH BOUND ON FARM TO MARKET ROAD 2727. DEPUTY WOOD THEN ACTIVATED HIS EMERGENCY SIREN IN AN ATTEMPT TO STOP THE VEHICLE. THE SUSPECT CONTINUED TRAVELING NORTH BOUND ON FARM TO MARKET ROAD 2727 AT A SPEED OF APPROXIMATELY 45 MILES PER HOUR. THE VEHICLE TRAVELED APPROXIMATELY TWO TO THREE MILES BEFORE STOPPING IN FRONT OF THE 3343 FARM TO MARKET ROAD 2727. DEPUTY WOOD THEN ADVISED THE SUSPECT TO EXIT THE VEHICLE, AT WHICH TIME DEPUTY WOOD PLACED THE SUSPECT, IDENTIFIED AS JEDIDIAH ISAAC MURPHY (W/M DOB 090175), INTO CUSTODY. A COMPUTER CHECK ON MURPHY INDICATED HIS DRIVERS LICENSE TO BE SUSPENDED. DEPUTY TIMM THEN PLACED MURPHY INTO DEPUTY WOOD'S PATROL VEHICLE AND READ HIM HIS MIRANDA WARNING. MURPHY THEN ADVISED THAT HE WANTED TO KILL HIMSELF, AND HE WOULD KILL HIMSELF WHEN HE WAS RELEASED FROM JAIL. MURPHY WAS THEN TRANSPORTED TO THE KAUFMAN COUNTY LAW ENFORCEMENT CENTER FOR THE OFFENSES OF DRIVING WHILE LICENSE SUSPENDED AND EVADING ARREST.

FRIDAY, MAY 14, 1999, APPROXIMATELY 0931 HOURS, MURPHY WAS READ HIS WARNING OF RIGHTS BY JUDGE JAMES C. WILLIAMS, AND BOND WAS SET IN THE AMOUNT OF \$1,000.00 FOR THE OFFENSE OF DRIVING WHILE LICENSE SUSPENDED AND \$1,000.00 FOR THE OFFENSE OF EVADING ARREST.

FRIDAY, MAY 14, 1999, MURPHY WAS RELEASED FROM CUSTODY, AFTER POSTING THE REQUIRED BONDS.

SHERIFF'S OFFICE  
KAUFMAN COUNTY KAUFMAN, TEXAS

T. MOORE

240-031 -

330-041 -

MARITAL STATUS: SARREST REPORT

C.S.O. NO. \_\_\_\_\_

CASE NO. \_\_\_\_\_

BOOKING NO. \_\_\_\_\_

Name of Person Arrested <u>MURPHY, JEDIDIAH ISACC</u>		Alias <u>Jim</u>		Date <u>5-13-99</u>	
Address of Suspect <u>6305 Fm 429</u>		<u>KAUFMAN</u>		Time <u>2250 hrs.</u>	
In Case of Emergency Notify: <u>ABBITT, HOPE</u>		Address <u>6305 Fm 429 Kaufman</u>		Phone <u>962-7443</u>	
Social Security No. <u>756 171 12610</u>		Driver's Lic. Information <u>State TX 12468174 C-A</u>		Expires <u>2001</u>	
Age	Race	Sex	Hair	Eyes	Ht
	<u>W</u>	<u>M</u>	<u>BRN</u>	<u>BRN</u>	<u>142</u>
					Wt.
					<u>142</u>
					DOB
					<u>9-1-75</u>
					POB
					Tattoos
Occupation <u>METAL-TEX - FOREMAN</u>			Where Arrested <u> Hwy 2727</u>		
Offense Suspected or Charged <u>DRIVING WHILE LICENSE SUSPENDED</u>			Where Offense Committed <u>FAITH BAPTIST CHURCH - Hwy 243 @ Fm 429</u>		
Date Offense Committed			Type Premises <u>ROADWAY</u>		
How Arrest Made <u>On View</u> <u>Call</u> Warrant			Check All Items Which Apply <u>No</u> Drunk <u>Yes</u> Drinking <u>No</u> Cursed		
<u>EVADING ARREST OF DETENTION w/ VEHICLE</u>			Other Persons Arrested for Same		
			No. <u>1</u>		
			No. <u>1</u>		

Vehicle Impounded: Make \_\_\_\_\_ Model \_\_\_\_\_ License \_\_\_\_\_ Year \_\_\_\_\_

Name of Complainant \_\_\_\_\_ Relation to Suspect \_\_\_\_\_ Bus. Phone \_\_\_\_\_  
Res. Phone \_\_\_\_\_Give Complete Details as to What You Saw and What You Were Told about Suspect  
Which Prompted Arrest: THURSDAY, MAY 13, 1999, AT APPROXIMATELY 2151 HRS.,

I, J. Wood #3346 and H. Timm #3349, was dispatched to the FAITH BAPTIST CHURCH IN REFERENCE to a POSSIBLE ATTEMPTED SUICIDE. WHILE IN ROUTE DISPATCH ADVISED THAT THE SUSPECT (LATER IDENTIFIED AS MURPHY, JEDIDIAH I. w/m 9-1-75) WAS TRAVELING w/B ON Hwy 243 IN A MAROON CHEVROLET 4x4 PICKUP. I, J. Wood #3346

AND H. Timm #3349, THEN SET UP AT PAT'S COUNTRY STOP AT Hwy 243 @ Fm 2727 TO

Witness	Address	Res. Phone	Bus. Phone
<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>
Witness	Address	Res. Phone	Bus. Phone
<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>

Results of Investigation

ARREST

Arresting Officers <u>J. Wood 3346</u>	Report made by: <u>J. Wood #3346</u>	Final Disposition <u>KLEC 00577</u>
---	---	--



[illegible]

- 0 1. JAILER WILL CHECK ARREST REPORT AND MAKE SURE ALL PERTINENT INFORMATION IS INCLUDED PRIOR TO DEPARTURE OF ARRESTING OFFICER.
- 0 2. REMOVE ALL PROPERTY FROM INMATE & PLACE ALL PROPERTY IN RED PROPERTY BAG (WATCH, NECKLACE, RINGS, KEY, ETC.)
- 0 3. PLACE OFFENSE NUMBER & S.O. NUMBER ON THE ARREST REPORT AND INDEX CARD.
- 0 4. BOOK-IN INMATE ON COMPUTER, FILLING IN ALL SPACES WHERE APPLICABLE.
- 0 5. MAKE OUT INMATE BANK SHEET ON INMATE SHOWING AMOUNT OF CURRENCY AND COINS RECEIVED FROM INMATE.
- 0 6. PHOTO INMATE.
- 0 7. FINGERPRINT INMATE.
- 0 8. HAVE INMATE USE THE TELEPHONE LOCATED IN BOOK-IN. FILL OUT INMATE TELEPHONE LOG SHOWING INMATE'S NAME & NUMBER CALLED. IF INMATE DOES NOT WANT TO MAKE A CALL OR REFUSES, MAKE NOTATION ON LOG. (INMATE IS TO BE GIVEN (2) CALLS WITHIN NEVER MORE THAN (4) HOURS AFTER BEING BOOKED IN TO L.E.C.) \
- 0 9. PLACE INMATE IN HOLDING OR DETOX CELL, REMOVING ALL BELTS, NECKERCHIEFS, HANDKERCHIEFS, NECKLACES, JEWELRY, SHOES, MATCHES OR LIGHTERS, ETC.
- 0 10. PLACE OFFENSE NUMBER IN THE UPPER RIGHT HAND CORNER OF EACH SHEET OF PAPERWORK, S.O. OR PHOTO NUMBER IN UPPER LEFT HAND CORNER.
- 0 11. MAKE OUT MANILA FOLDER FOR INMATE. PRINT LAST NAME FIRST, FIRST NAME SECOND, MIDDLE NAME LAST ON LEFT CORNER OF MANILA FOLDER. PLACE OFFENSE NUMBER IN CENTER OF FOLDER. PLACE S.O. OR PHOTO NUMBER IN RIGHT CORNER.
- 0 12. PLACE ALL PAPERWORK IN MANILA JACKET. IF AN INMATE HOLD EXISTS, STAPLE YELLOW INMATE HOLD SHEET TO FRONT OUTSIDE OF MANILA FOLDER.
- 0 13. FLOOR JAILER WILL THEN PRESENT THE CONTROLLER WITH ARREST INDEX CARD AND INMATE MANILA FOLDER AT WHICH TIME THE CONTROLLER WILL FILE IMMEDIATELY BOTH ARREST CARD & FOLDER IN THE APPROPRIATE FILE.
- 0 14. BOOK-IN JAILER WILL PRINT THE INMATE'S LAST NAME AND FIRST INITIAL OF HIS/HER FIRST NAME IN THE APPROPRIATE CELL SPACE ON ALL THREE FLOOR PLAN MAPS.

00578



## SUPPLEMENTARY REPORT.

m-B / m-A

Classification

240-431 -S  
330-041 -S

NO. \_\_\_\_\_

NO. \_\_\_\_\_

Name of Complainant

Address

Phone No.

STATE OF TEXAS

Offense

D.W.L.S. AND EVADING ARREST OR DETENTION w/ VEHICLE

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:  
(Investigating Officer must sign)

Page No.

2

Date

MAY 13

19\_\_

IN AN ATTEMPT TO STOP THE VEHICLE, THE SUSPECT CONTINUED TRAVELING N/A on Fm 2727 AT A SPEED OF APPROXIMATELY 45 MPH. FOR APPROXIMATE TWO (2) TO THREE (3) MILES BEFORE STOPPING IN FRONT OF THE ADDRESS OF 3343 Fm 2727. I, J. WOOD #3346, THEN INSTRUCTED THE SUSPECT TO EXIT THE VEHICLE AND THEN PLACE HIM INTO CUSTODY, KAUFMAN POLICE OFFICER D. CARRIER #9112, THEN CLEARED THE VEHICLE. MURPHY WAS IDENTIFIED BY HIS TEXAS DRIVER LICENSE #12468174, WHICH A SUBSEQUENT COMPUTER SEARCH SHOWED TO BE SUSPENDED. H. TIMM #3346, PLACED MURPHY INTO MY SQUAD CAR AND READ MURPHY HIS MIRANDA WARNING AT WHICH TIME MURPHY ADVISED THAT HE WANTED TO KILL HIMSELF AND THAT HE WOULD KILL HIMSELF WHEN HE WAS RELEASED FROM JAIL. MURPHY'S VEHICLE WAS RELEASED TO THE VEHICLE'S OWNER RANDY CARO (932-6628), MURPHY WAS TRANSPORTED TO KCLCC AND BOOKED IN FOR D.W.L.S. AND EVADING ARREST OR DETENTION w/ VEHICLE. WITHOUT INCIDENT. MADE CONTACT WITH MURPHY'S MOTHER ABBOTT, HOPE WHO ADVISED THAT SHE WAS GOING TO ATTEMPT TO HAVE MURPHY COMMITTED INTO A HOSPITAL FOR HIS PROBLEMS AS SOON AS POSSIBLE

INVESTIGATING OFFICER(S)

J. WOOD #3346

REPORT MADE BY

J. WOOD #3346

DATE 5-13-9

CASE FILED

THIS CASE IS

Active ☐ 29 APPROVED BYYes ☐ No ☐Cleared by arrest ☐Unfounded ☐Inactive ☐Other ☐

00579

## SUPPLEMENTARY REPORT

240-031

330-041

NO. \_\_\_\_\_

M-A / M-B

Classification

NO. \_\_\_\_\_

Name of Complainant

Address

Phone No.

STATE OF TEXAS

Offense

Driving while license Suspended + EVADING ARREST

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:  
(Investigating Officer must sign)

Page No. 1

Date 5-13-99 199

On Thursday 5-13-99 at approximately 2:51 hrs., I Deputy Hal Timm 3349 set up on a marked truck traveling westbound on Hwy 242. Dispatched advised that the male subject was threatening to commit suicide. I Deputy Hal Timm 3349 and Deputy Jerry Wood 3346 waited at Pat's Country Stop located at Hwy 242 and FM 2227. I Deputy Hal Timm 3349 observed a marked truck traveling westbound on Hwy 242, I Deputy Hal Timm 3349, Deputy Jerry Wood 3346 pulled behind the vehicle. Deputy Jerry Wood 3346 activated his emergency lights and sirens, Deputy Jerry Wood 3346 was behind the vehicle and the vehicle then turned north on FM 2227. The vehicle continued northbound on FM 2227 for approximately two miles, traveling at speeds of approximately forty five miles per hour. The vehicle pulled off the side of the road and stopped in front of 3343 FM 2227. Deputy Jerry Wood 3346 instructed the driver of the vehicle to exit the vehicle, Deputy Jerry Wood 3346 then placed the driver into protective custody. I Deputy Hal Timm 3349 asked the driver his Miranda warnings, the driver then identified himself as Murphy, Lerdian (w/ 9-1-75). Murphy stated that he wanted to kill himself, and Murphy also stated that he would kill himself as soon as he got out of jail. Deputy Jerry Wood 3346 placed Murphy under arrest for Driving while license suspended. Deputy Jerry Wood 3346 transported Murphy to the Kaufman County Jail.

25 INVESTIGATING OFFICER(S)

26 REPORT MADE BY Deputy Hal Timm 3349 DATE 5-13-99

27 CASE FILED

28 THIS CASE IS

Active ☐ 29 APPROVED BYYes ☐No ☐Cleared by arrest ☐Unfounded ☐Inactive ☐Other ☐

00580

## PROBABLE CAUSE FORM FOR MAGISTRATES WARRANT

NAME OF PERSON ARRESTED: MURRAY, JEREDIAH ISAAC  
Last First Middle  
 DATE ARRESTED: 5 13 99  
Mo. Day Yr

## PRIMARY CHARGES:

1. D.W.L.S. M-B KSO  
Charge Classification of Offense Charging Ofc.  
 PROBABLE CAUSE SUMMARY:

SUBJECT WAS FOUND OPERATING A MOTOR VEHICLE WITH A SUSPENDED  
DRIVERS LICENSE

2. EVADING ARREST W/ VEHICLE M-A KSO  
Charge Classification of Offense Charging Ofc.  
 PROBABLE CAUSE SUMMARY:

SUBJECT WAS OBSERVED OPERATING A MOTOR VEHICLE AND ATTEMPTS  
TO STOP THE VEHICLE WAS MADE, BUT SUBJECT REFUSED TO STOP

3. Charge Classification of Offense Charging Ofc.  
 PROBABLE CAUSE SUMMARY:

## SUBSEQUENT CHARGES:

1. Charge Classification of Offense Charging Ofc.  
 PROBABLE CAUSE SUMMARY:

2. Charge Classification of Offense Charging Ofc.  
 PROBABLE CAUSE SUMMARY:

3. Charge Classification of Offense Charging Ofc.  
 PROBABLE CAUSE SUMMARY:

THE STATE OF TEXAS

V.

JEDIDIAH ISAAC MURPHY

FILED  
F00-02424-M  
2001 JAN 30 AM 9:30  
JULIAN LIN  
CLERK  
DALLAS CO. TEXAS  
DEPUTY  
§  
§  
§  
§  
§

IN THE 194<sup>TH</sup> JUDICIAL

DISTRICT COURT OF

DALLAS COUNTY, TEXAS

**NOTICE OF FILING OF BUSINESS RECORDS PURSUANT TO RULE 902 (10)**

TO THE HONORABLE JUDGE OF SAID COURT:

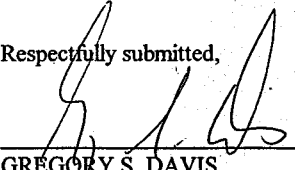
COMES NOW the State of Texas, by and through its Assistant District Attorney, Gregory S. Davis, and files this its Notice of Filing of Business Records Pursuant to Rule 902 (10), Rules of Criminal Evidence, and respectfully shows unto the Court the following:

I.

The State hereby files self-authenticated business records from the following persons or entities more than fourteen (14) days prior to the commencement of trial:

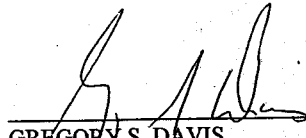
1. Doctors Hospital of New Boston.
2. Addison - Harrington.

Respectfully submitted,

  
GREGORY S. DAVIS  
Assistant District Attorney  
Dallas County, Texas  
Bar No. 05493550

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing instrument was hand-delivered to  
opposing counsel on the 29th day of January, 2001.

  
\_\_\_\_\_  
GREGORY S. DAVIS

F00-02424-M

THE STATE OF TEXAS

V.

JEDIDIAH ISAAC MURPHY

§  
§  
§  
§  
§  
§  
§

IN THE 194<sup>TH</sup> JUDICIAL

DISTRICT COURT OF

DALLAS COUNTY, TEXAS

**AFFIDAVIT**

STATE OF TEXAS

COUNTY OF Bowie

§  
§  
§

BEFORE ME, the undersigned authority, on this day personally appeared

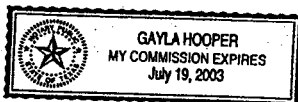
Virginia White, who being by me duly sworn, deposed as follows:

"My name is Virginia White, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

I am the custodian of the records of Doctors Hospital. Attached hereto are 5 pages of records from Doctors Hospital. These said 5 pages of records are kept by Doctors Hospital in the regular course of business, and it was the regular course of business of Doctors Hospital for an employee or representative of Doctors Hospital with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The records attached hereto are the original or exact duplicates of the original."

Virginia White  
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME this 24<sup>th</sup> day of January, 2000,  
to certify which witness my hand and seal of office.



Gayla Hooper  
Notary Public in and for  
Bowie County, Texas

My Commission Expires:

July 19, 2003

## DOCTORS HOSPITAL

ALL BLANKS MUST BE FILLED IN. USE N/A IF NOT APPLICABLE. ALL ORIGINAL REPORTS MUST BE ATTACHED.

## EMERGENCY ROOM RECORD

☐ BLUE CROSS  
☐ WORKMAN COMP☐ COMMERCIAL  
☐ MEDICAID☐ MEDICARE  
☒ SELF PAY

HOSP. NO.

1	CHART NO. <b>25141</b>	ADM. DATE <b>9-13-96</b>	DRIVER'S LICENSE NO.	MEDICAL RECORD NO. <b>49166</b>	RACE <b>Cauc</b>	SOCIAL SECURITY NO.
2	PATIENT NAME <b>Murphy Matthew</b>		M.I. <b>S</b>	BIRTHDATE <b>9-18-75</b>	AGE <b>20</b>	SEX <b>M</b>
3	FAMILY DOCTOR/DOCTOR ON CALL <b>Gurav</b>					
4	TIME	GUARANTOR NAME <b>Matthew Murphy</b>	ADDRESS (BOX NO. & STREET NO.) <b>5018 W. Walters</b>	CITY <b>New Boston</b>	STATE <b>TX</b>	ZIP <b>75570</b>
5	LOCATION	EMPLOYER <b>Snelling Temporary</b>				
6	EMPLOYER ADDRESS		PHONE - EMPLOYER			

## HOSPITALIZATION INSURANCE OR MEDICARE

1	SELF	SUBSCRIBER'S NAME	CERT. OR POLICY NO.	GROUP NO.
2	RELATIVE	ADDRESS	PHONE	

1	ADMITTED BY: <input checked="" type="checkbox"/> SELF <input type="checkbox"/> FIRE <input type="checkbox"/> POLICE <input type="checkbox"/> OTHER	CONDITION ON ARRIVAL: <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> FAIR <input type="checkbox"/> POOR <input type="checkbox"/> CRITICAL	SHOCK <input type="checkbox"/> COMA	HEMORRHAGE <input type="checkbox"/> D.O.A.
---	--	--	--	---

1	ARRIVAL TIME <b>0030</b>	TIME NOTIFIED <b>0100</b>	TIME OF EXAM	DISCHARGE	PREVIOUS TREATMENT AT N.B.G.H. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE
---	-----------------------------	------------------------------	--------------	-----------	--	------

1	COMPLAINT & HISTORY <b>Close puncture wound to palm of hand to being shot in hand a pellet gun white handling to around 0013 to right CFT 1st 3rd sensory perception 2nd 3rd 4th + 5th digits.</b>	ACUITY LEVEL <b>1</b>	2	3	4
---	---	--------------------------	---	---	---

1	TIME MEDS: <b>None</b>	TIME	P.	R.	S.P.
2	IG OR OTHER ALLERGIES: <b>Iodine</b>	0035	98	78	154/106
3		0045	76	78	149/92

## TENTENT PHYSICAL FINDINGS: DIAGNOSIS/IMPRESSIONS

1	REQUESTED <input type="checkbox"/> LAB <input type="checkbox"/> X-RAY <input type="checkbox"/> E.K.G.
---	--

## TESTS ORDERED: (LIST)

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1	
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CHART

00586



ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE. ALL ORIGINAL REPORTS MUST BE ATTACHED.

18715-  
49402

**EMERGENCY ROOM RECORD**

☐ BLUE CROSS ☐ COMMERCIAL ☐ MEDICARE  
☐ WORKMAN COMP ☐ MEDICAID ☐ SELF PAY

HOSP. NO. 49402

CHART NO. 25141	ADM. DATE 9-13-96	DRIVER'S LICENSE NO.	MEDICAL RECORD NO.	RACE	SOCIAL SECURITY NO.
ST NAME Murphy, Michael	FIRST NAME Michael	ML S	BIRTHDATE 9-13-75	AGE 20	SEX M

**TREATMENT RECOMMENDED**

☐ Sutured ☐ X-Ray ☐ Tetanus Booster ☐ Medication \_\_\_\_\_

☐ Lavaged ☐ Lab Test ☐ Hypertet & Booster ☐ Other \_\_\_\_\_

**NOTE:** Treatment given in the Emergency Service is offered as emergency first care ONLY. Follow-up treatment by a physician may be important for your safety, and you are urged to follow carefully the instructions checked below:

☐ **TETANUS** - Within the next 24 hours, consult your physician as to whether or not you should receive injections to protect you against the disease of tetanus (lockjaw).  
 As a consequence of even small injuries this disease can be fatal, so the considered advice of your physician will be essential to your safety.

☐ **HEAD INJURY** - Contact your physician immediately if any of the following conditions occur:

- Persistent or increasingly severe headache
- Vomiting
- Unusual drowsiness
- Drainage of blood or fluid from ear or nose
- Convulsions
- Weakness of limbs or loss of coordination
- Blurred vision
- Stiffness of neck

☐ **NECK AND BACK INJURIES**

1. Complete bed rest for 24 or 48 hours
2. Sleep on a firm mattress or place boards under your mattress
3. Apply wet heat (warm towel) to affected area
4. See family doctor or return to Emergency Room if NO improvement in 48 hours.

☐ **VOMITING**

1. No food or liquids for 4 hours
2. Only clear liquids for first 24 hours
3. If vomiting persists see family doctor or return to Emergency Room

☐ **WOUND CARE**

1. Keep wound cleaned and dry.
2. See family doctor or return to Emergency Room immediately if FEVER or other signs of infection occur: (1) Redness, (2) Swelling, (3) Discharge or (4) Red streaks on skin from wound.
3. See family doctor or return to Emergency Room as indicated below:  
 (1) \_\_\_\_\_ days following injury for wound examination  
 (2) \_\_\_\_\_ days following treatment for removal of stitches

☐ **SPRAINS AND BRUISES**

1. Elevate affected part.
2. Apply ice packs to affected area for 10-20 minutes four times daily during first 24 to 48 hours following injury.
3. No weight bearing on affected area for \_\_\_\_\_ days.

☐ **CAST CARE**

1. Keep casted limb elevated
2. Report any numbness or tingling to your doctor
3. Keep your cast dry
4. Report any signs of infection (1) Redness, (2) Swelling, (3) Discharge or foul odor.
5. Do not insert sharp objects in your cast to relieve itching

Within the next \_\_\_\_\_ days, check with your physician for:

☐ Removal of sutures ☐ Other \_\_\_\_\_

☐ Examination of wound \_\_\_\_\_

☐ Further treatment of the condition which brought you here \_\_\_\_\_

**PATIENT ACKNOWLEDGEMENT OF INSTRUCTIONS AND ADVICE**

I have received and understand the instructions indicated above.  
 I do understand that I had emergency examination and/or treatment only and that I will arrange for follow-up  
 as instructed above.

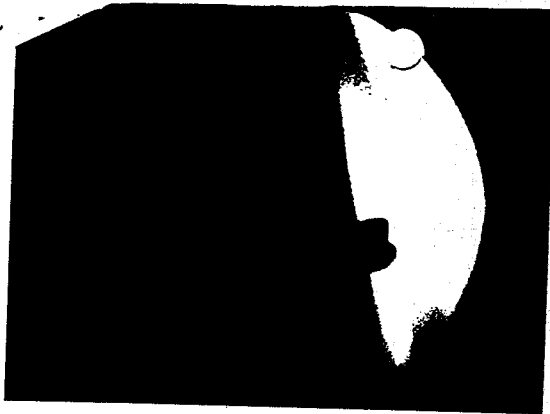
\_\_\_\_\_  
 PATIENT'S OR RESPONSIBLE PERSON'S SIGNATURE

9-13-96  
 DATE

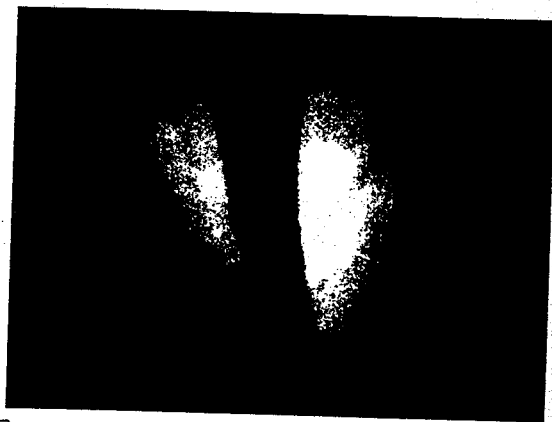
\_\_\_\_\_  
 PHYSICIAN SIGNATURE

### EMERGENCY ROOM CHARGES

[illegible]



Lateral



(L)

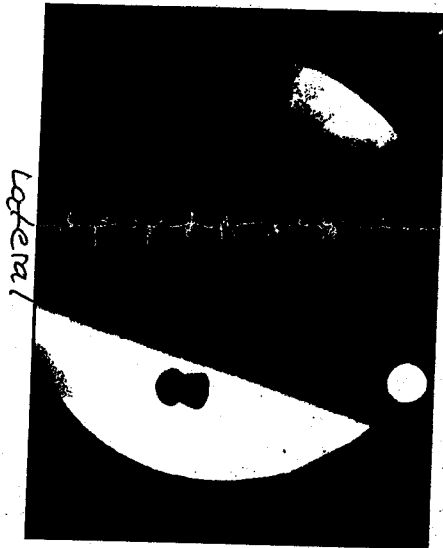
(R)



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00589



F00-02424-M

THE STATE OF TEXAS	§	IN THE 194 <sup>TH</sup> JUDICIAL
	§	
	§	
V.	§	DISTRICT COURT OF
	§	
JEDIDIAH ISAAC MURPHY	§	DALLAS COUNTY, TEXAS

**AFFIDAVIT**

STATE OF TEXAS §  
COUNTY OF Dallas §

BEFORE ME, the undersigned authority, on this day personally appeared

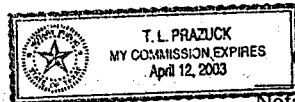
Peter Harrington, who being by me duly sworn, deposed as follows:

"My name is Peter Harrington, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

I am the custodian of the records of Addison Harrington, Inc. Attached hereto are 10 pages of records from Addison Harrington, Inc. These said 10 pages of records are kept by Addison Harrington, Inc. in the regular course of business, and it was the regular course of business of Addison Harrington, Inc. for an employee or representative of Addison Harrington, Inc. with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The records attached hereto are the original or exact duplicates of the original."

Pamela L. J.  
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME this 29th day of January, 2009,  
to certify which witness my hand and seal of office.



T. L. Prazuck  
Notary Public in and for

DALLAS County, TEXAS

My Commission Expires:  
4-12-03

11/15/00 WED 16:59 FAX 9724881783

ADDISON HARRINGTON

001

# FAX COVERSHEET



ADDISON HARRINGTON, INC.

13370 BRANCH VIEW \* SUITE 130 \* DALLAS, TEXAS 75234 \* PH(972)488-1751 \* FX(972)488-1782

Date: 11-15-00

Number of pages  
including cover sheet: 1

TO:

Invest. Willy Richardson

FROM:

LISA SERVANTES

Phone:

Fax: 214 653 4000/2124

CC:

REMARKS:

☐ URGENT

☒ FOR YOUR REVIEW

☐ REPLY ASAP

☐ PLEASE COMMENT

called wanting information on employee  
for ABC case



00593

11/15/00 WED 16:59 FAX 9724881783

ADDISON HARRINGTON

002

ADDISON-HARRINGTON, INC.

ACCIDENT INVESTIGATION FORM

Name of Injured Employee Jediah R. Smith Accident Murphy Date: 3-14-97 Time: 11:00  
Place of Accident: St Monica Supervisor: Chas  
Apparent Nature of Injuries: broke Left Thumb  
at Knuckle

Describe fully how accident/injuries occurred:  
(What was the employee doing when injured? Regular job? What went wrong? Proper equipment furnished? Used? Proper training given? Personal protective equipment needed? Being used? Environmental factors? Other appropriate information?)

Pulling String Line Tight & Nail Holding  
String line came out of form hitting his  
Left Thumb.

Name & Address of Witnesses: \_\_\_\_\_  
Primo Jimenez

What can be done to prevent a recurrence of this type of accident?

Have Safety meeting  
Has this been done? Yes If no, when will it be done? \_\_\_\_\_  
How will it be done & by whom? \_\_\_\_\_

Other Comments? \_\_\_\_\_

Name of Investigator? Chas Thoma Title: Foreman  
Date 3-17-97

00594



11/15/00 WED 17:00 FAX 9724881783

ADDISON HARRINGTON

0003

P. 1

*J. Murphy*  
*Physicians*  
*Work Release*

**COLUMBIA**  
**Medical Center at Terrell**

1551 Hwy. 34 S. - Terrell, Texas 75160 (214)-563-7611

Name J. MURPHY Date 3/17/97  
Address \_\_\_\_\_, Texas  
B

MR. MURPHY MAY RETURN  
TO WORK TODAY.

REFILL  
NON-REP

TROY L. MILLER, MD  
DEA - BM1387505  
DPS - 30081928 TXLIC - J2888

*T. L. Miller* M.D.  
Product Selection \_\_\_\_\_ M.D.  
Permitted \_\_\_\_\_ Dispense As Written  
Reg. No. \_\_\_\_\_

00595

11/15/00 WED 17:00 FAX 9724881783

ADDISON HARRINGTON

004

RMH ENTERPRISES, INC.  
13370 BRANCH VIEW, SUITE 130C  
DALLAS, TEXAS 75234  
(972) 488-1751

## APPLICATION FOR EMPLOYMENT

DATE: 12-28-96

NAME: MURPHY JERIDIAH ISAAC (Last name first) 1-09-01-75 DATE OF BIRTH:

ADDRESS: 6305 FM 429 (City, State, Zip Code)

PHONE NUMBER: (903) 873-2215 SOCIAL SECURITY NUMBER: 456-71-2610

12468174 97  
DRIVERS LICENSE OR I.D. NUMBER, STATE ISSUED, EXPIRATION DATE

## WORK EXPERIENCE

Company Name & Phone No.	Duties	Supervisor
HEK	FORKLIFT	DON MYERS
FRASIER INDUSTRIES	FORKLIFT	RODNEY BROWN
SMITH BLAIR	CRANE	MIKE PHILLIPS

REFERENCES: BILLY MURTEY 603 896-1220 CON WORKER  
Name Phone No. Occupation

LOGAN CRAFT 903-873-2215 FORMAN TCI  
Name Phone No. Occupation

\*\*IN CASE OF EMERGENCY NOTIFY: HOPE ABBOTT 214-962-7445  
Name and phone number

=====

RMH ENTERPRISES, INC. HIRING PRIORITY IS AS FOLLOWS:

Applicant was hired because:

- A. Current employees of the company \_\_\_\_\_  
B. Past employees with proven safety, attendance, and work attendance. \_\_\_\_\_  
C. Applicants recommended by current supervisors. \_\_\_\_\_  
D. Applicants recommended by current employees. \_\_\_\_\_  
E. Unknown applicants. \_\_\_\_\_

JOB CLASSIFICATION: \_\_\_\_\_ RATE OF PAY \$ 7.00 hr

00596

11/15/00 WED 17:01 FAX 9724881783

Immigration and Naturalization Service

ADDISON HARRINGTON

005

OMB No. 1115-0136

Employment Eligibility Verification

Please read instructions carefully before completing this form. The instructions must be available during completion of this form. **ANTI-DISCRIMINATION NOTICE.** It is illegal to discriminate against work eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because of a future expiration date may also constitute illegal discrimination.

### Section 1. Employee Information and Verification. To be completed and signed by employee at the time employment begins

Print Name: Last <b>MURPHY</b>	First <b>JEDIDIAN</b>	Middle Initial <b>ISAAC</b>	Maiden Name
Address (Street Name and Number) <b>900 EAST SOUTH</b>			Date of Birth (month/day/year) <b>09-01-75</b>
City <b>WILLS POINT</b>	State <b>TX</b>	Zip Code <b>75169</b>	Social Security # <b>456-71-2610</b>
I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.			I attest, under penalty of perjury, that I am (check one of the following): <input checked="" type="checkbox"/> A citizen or national of the United States <input type="checkbox"/> A Lawful Permanent Resident (Alien # A) <input type="checkbox"/> An alien authorized to work until _____ (Alien # or Admission #)
Employee's Signature <i>Jedidiah Murphy</i>			Date (month/day/year) <b>1-29-97</b>

**Preparer and/or Translator Certification.** (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer's/Translator's Signature

Print Name

Address (Street Name and Number, City, State, Zip Code)

Date (month/day/year)

### Section 2. Employer Review and Verification. To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C as listed on the reverse of this form and record the title, number and expiration date, if any, of the document(s).

List A	OR	List B	AND	List C
Document title: _____		<i>TX Drivers License</i>		<i>Social Security Card</i>
Issuing authority: _____		<i>TX Dept of Public Safety</i>		<i>US Dept of Health</i>
Document #: _____		<i>12468174</i>		<i>456-71-2610</i>
Expiration Date (if any): <i>1/1</i>		<i>1/1</i>		<i>1/1</i>
Document #: _____				
Expiration Date (if any): <i>1/1</i>				

**CERTIFICATION** - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) *1/1* and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment).

Signature of Employer or Authorized Representative <i>Ray Moore</i>	Print Name <b>RAY MOORE</b>	Title <b>FOREMAN</b>
Business or Organization Name <b>RMH ENTERPRISES, INC.</b>		Date (month/day/year) <b>1/29/97</b>
Address (Street Name and Number, City, State, Zip Code) <b>13370 BRANCH VIEW, SUITE 130C, DALLAS, TEXAS 75234</b>		

### Section 3. Updating and Reverification. To be completed and signed by employer

A. New Name (if applicable)	B. Date of rehire (month/day/year) (if applicable)
C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility.	
Document Title: _____	Document #: _____
Expiration Date (if any): <i>1/1</i>	

I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative

Date (month/day/year)

11/15/00 WED 17:02 FAX 8724881783

ADDISON HARRINGTON

006

**Form W-4 (1997)****Want More Money In Your Paycheck?**

If you expect to be able to take the earned income credit for 1997 and a child lives with you, you may be able to have part of the credit added to your take-home pay. For details, get Form W-5 from your employer.

**Purpose.** Complete Form W-4 so that your employer can withhold the correct amount of Federal income tax from your pay. Form W-4 may be completed electronically, if your employer has an electronic system. Because your tax situation may change, you may want to refigure your withholding each year.

**Exemption From Withholding.** Read line 7 of the certificate below to see if you can claim exempt status. If exempt, only complete lines 1, 2, 3, 4, 7, and sign the form to validate it. No Federal income tax will be withheld from your pay. Your exemption expires February 17, 1998.

**Note:** You cannot claim exemption from withholding if (1) your income exceeds \$650 and includes unearned income (e.g., interest and dividends) and (2) another person can claim you as a dependent on their tax return. **Basic Instructions.** If you are not exempt, complete the Personal Allowances Worksheet. Additional worksheets are on page 2 so you can adjust your withholding allowances based on itemized deductions, adjustments to income, or two-earner/two-job situations. Complete all worksheets that apply to your situation. The worksheets will help you figure the number of withholding allowances you are entitled to claim. However, you may claim fewer allowances than this.

**Head of Household.** Generally, you may claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals.

**Nonwage Income.** If you have a large amount of nonwage income, such as interest or dividends, you should consider making

estimated tax payments using Form 1040-ES. Otherwise, you may find that you owe additional tax at the end of the year.

**Two Earners/Two Jobs.** If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one W-4. This total should be divided among all jobs. Your withholding will usually be most accurate when all allowances are claimed on the W-4 filed for the highest paying job and zero allowances are claimed for the others.

**Check Your Withholding.** After your W-4 takes effect, use Pub. 919, Is My Withholding Correct for 1997, to see how the dollar amount you are having withheld compares to your estimated total annual tax. Get Pub. 919 especially if you used the Two-Earner/Two-Job Worksheet and your earnings exceed \$150,000 (Single) or \$200,000 (Married). To order Pub. 919, call 1-800-829-3676. Check your telephone directory for the IRS assistance number for further help.

**Sign This Form.** Form W-4 is not considered valid unless you sign it.

**Personal Allowances Worksheet**

- A Enter "1" for yourself if no one else can claim you as a dependent . . . . . A 1
- B Enter "1" if:   
 • You are single and have only one job; or   
 • You are married, have only one job, and your spouse does not work; or   
 • Your wages from a second job or your spouse's wages (or the total of both) are \$1,000 or less. . . . . B 1
- C Enter "1" for your spouse. But, you may choose to enter -0- if you are married and have either a working spouse or more than one job (this may help you avoid having too little tax withheld) . . . . . C 1
- D Enter number of dependents (other than your spouse or yourself) you will claim on your tax return . . . . . D 1
- E Enter "1" if you will file as head of household on your tax return (see conditions under Head of Household above) . . . . . E 1
- F Enter "1" if you have at least \$1,500 of child or dependent care expenses for which you plan to claim a credit . . . . . F 1
- G Add lines A through F and enter total here. Note: This amount may be different from the number of exemptions you claim on your return . . . . . G 1
- For accuracy, complete all worksheets that apply.   
 • If you plan to itemize or claim adjustments to income and want to reduce your withholding, see the Deductions and Adjustments Worksheet on page 2.   
 • If you are single and have more than one job and your combined earnings from all jobs exceed \$32,000 OR if you are married and have a working spouse or more than one job, and the combined earnings from all jobs exceed \$55,000, see the Two-Earner/Two-Job Worksheet on page 2 if you want to avoid having too little tax withheld.   
 • If neither of the above situations applies, stop here and enter the number from line G on line 5 of Form W-4 below.

Cut here and give the certificate to your employer. Keep the top portion for your records.

<b>Form W-4</b> Department of the Treasury Internal Revenue Service		<b>Employee's Withholding Allowance Certificate</b> For Privacy Act and Paperwork Reduction Act Notice, see reverse.		OMB No. 1545-0046 <b>1997</b>
1 Type or print your first name and middle initial <u>DEBIDIAH I</u>		Last name <u>MURPHY</u>		2 Your social security number <u>4156 71 2610</u>
Home address (number and street or rural route) <u>700 EAST SOUTH COMMERCE</u>		3 <input type="checkbox"/> Single <input checked="" type="checkbox"/> Married <input type="checkbox"/> Married, but withhold at higher Single rate. Note: If married, but legally separated, or spouse is a nonresident alien, check the Single box.		
City or town, state, and ZIP code <u>WILKS POINT TX 75169</u>		4 If your last name differs from that on your social security card, check here and call 1-800-772-1213 for a new card <input type="checkbox"/>		
5 Total number of allowances you are claiming (from line G above or from the worksheets on page 2 if they apply)		<u>5</u>		
6 Additional amount, if any, you want withheld from each paycheck		<u>\$</u>		
7 I claim exemption from withholding for 1997, and I certify that I meet BOTH of the following conditions for exemption: • Last year I had a right to a refund of ALL Federal income tax withheld because I had NO tax liability; AND • This year I expect a refund of ALL Federal income tax withheld because I expect to have NO tax liability. If you meet both conditions, enter "EXEMPT" here. <u>EXEMPT</u>				
Under penalties of perjury, I certify that I am entitled to the number of withholding allowances claimed on this certificate or entitled to claim exempt status.				
Employee's signature <u>Debidiah Murphy</u>		Date <u>1-29</u> , 19 <u>97</u>		
8 Employer's name and address (Employer: Complete 8 and 10 only if sending to the IRS)		9 Office code (optional)		10 Employer identification number

Cat. No. 102290

00598

11/15/00 WED 17:03 FAX 9724881783

ADDISON HARRINGTON

007

**Form W-4 (1996)****Want More Money in Your Paycheck?**

If you expect to be able to take the earned income credit for 1996 and a child lives with you, you may be able to have part of the credit added to your take-home pay. For details, get Form W-5 from your employer.

**Purpose.** Complete Form W-4 so that your employer can withhold the correct amount of Federal income tax from your pay. Because your tax situation may change, you may want to refigure your withholding each year.

**Exemption From Withholding.** Read line 7 of the certificate below to see if you can claim exempt status. If exempt, only complete lines 1, 2, 3, 4, 7, and sign the form to validate it. No Federal income tax will be withheld from your pay. Your exemption expires February 18, 1997.

**Note:** You cannot claim exemption from withholding if (1) your income exceeds \$650

and includes unearned income (e.g., interest and dividends) and (2) another person can claim you as a dependent on their tax return.

**Basic Instructions.** If you are not exempt, complete the Personal Allowances Worksheet. Additional worksheets are on page 2 so you can adjust your withholding allowances based on itemized deductions, adjustments to income, or two-earner/two-job situations. Complete all worksheets that apply to your situation. The worksheets will help you figure the number of withholding allowances you are entitled to claim. However, you may claim fewer allowances than this.

**Head of Household.** Generally, you may claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals.

**Nonwage income.** If you have a large amount of nonwage income, such as interest or dividends, you should consider making estimated tax payments using Form 1040-ES.

Otherwise, you may find that you owe additional tax at the end of the year.

**Two Earners/Two Jobs.** If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one W-4. This total should be divided among all jobs. Your withholding will usually be most accurate when all allowances are claimed on the W-4 filed for the highest paying job and zero allowances are claimed for the others.

**Check Your Withholding.** After your W-4 takes effect, use Pub. 919, Is My Withholding Correct for 1996?, to see how the dollar amount you are having withheld compares to your estimated total annual tax. Get Pub. 919, especially if you used the Two Earner/Two Job Worksheet and your earnings exceed \$150,000 (Single) or \$200,000 (Married). To order Pub. 919, call 1-800-829-3676. Check your telephone directory for the IRS assistance number for further help.

**Sign This Form.** Form W-4 is not considered valid unless you sign it.

**Personal Allowances Worksheet**

A Enter "1" for yourself if no one else can claim you as a dependent A 1

B Enter "1" if: B     

- You are single and have only one job; or
- You are married, have only one job, and your spouse does not work; or
- Your wages from a second job or your spouse's wages (or the total of both) are \$1,000 or less.

C Enter "1" for your spouse. But, you may choose to enter -0- if you are married and have either a working spouse or more than one job (this may help you avoid having too little tax withheld) C     

D Enter number of dependents (other than your spouse or yourself) you will claim on your tax return D 2

E Enter "1" if you will file as head of household on your tax return (see conditions under Head of Household above) E     

F Enter "1" if you have at least \$1,500 of child or dependent care expenses for which you plan to claim a credit F     

G Add lines A through F and enter total here. **Note:** This amount may be different from the number of exemptions you claim on your return G 3

For accuracy, do all worksheets that apply.

- If you plan to itemize or claim adjustments to income and want to reduce your withholding, see the Deductions and Adjustments Worksheet on page 2.
- If you are single and have more than one job and your combined earnings from all jobs exceed \$30,000 OR if you are married and have a working spouse or more than one job, and the combined earnings from all jobs exceed \$50,000, see the Two-Earner/Two-Job Worksheet on page 2 if you want to avoid having too little tax withheld.
- If neither of the above situations applies, stop here and enter the number from line G on line 5 of Form W-4 below.

Cut here and give the certificate to your employer. Keep the top portion for your records.

<b>Form W-4</b>		<b>Employee's Withholding Allowance Certificate</b>		OMB No. 1545-0010
Department of the Treasury Internal Revenue Service		For Privacy Act and Paperwork Reduction Act Notice, see reverse.		<b>1996</b>
1 Type or print your first name and middle initial <b>JEDIRIAH</b>		Last name <b>MURPHY</b>		2 Your social security number <b>456 71 2610</b>
Home address (number and street or rural route) <b>6305 FM 429</b>		3 <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Married, but withhold at higher Single rate. <small>Note: if married, but legally separated, or spouse is a nonresident alien, check the Single box.</small>		
City or town, state, and ZIP code. <b>KATFMAN TX 75142</b>		4 If your last name differs from that on your social security card, check here and call 1-800-772-1213 for a new card <input type="checkbox"/>		
5 Total number of allowances you are claiming (from line G above or from the worksheets on page 2 if they apply)		5 <u>3</u>		
6 Additional amount, if any, you want withheld from each paycheck		6 \$ <u>    </u>		
7 I claim exemption from withholding for 1996 and I certify that I meet BOTH of the following conditions for exemption:				
<input type="checkbox"/> Last year I had a right to a refund of ALL Federal income tax withheld because I had NO tax liability; AND <input type="checkbox"/> This year I expect a refund of ALL Federal income tax withheld because I expect to have NO tax liability.				
If you meet both conditions, enter "EXEMPT" here <span style="float: right;">7 <u>    </u></span>				
<small>Under penalties of perjury, I certify that I am entitled to the number of withholding allowances claimed on this certificate or entitled to claim exempt status.</small>				
Employee's signature <b>Addison Harrington</b>		Date <b>12-28-</b>		19 <u>96</u>
8 Employer's name and address (Employer: Complete 8 and 10 only if sending to the IRS)		9 Office code (optional)		10 Employer identification number

Cat. No. 102200

00599

11/15/00 WED 17:05 FAX 9724881783

ADDISON HARRINGTON

008

U.S. Department of Justice  
Immigration and Naturalization ServiceOMB No. 1515-0136  
Employment Eligibility Verificat

Please read instructions carefully before completing this form. The instructions must be available during completion of this form. **ANTI-DISCRIMINATION NOTICE.** It is illegal to discriminate against work eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because of future expiration date may also constitute illegal discrimination.

## Section 1. Employee Information and Verification. To be completed and signed by employee at the time employment begins

Print Name: Last <u>MURPHY</u>	First <u>JERIDIAN</u>	Middle Initial <u>I</u>	Maiden Name
Address (Street Name and Number) <u>6303 FM 429</u>		Apt. #	Date of Birth (month/day/year) <u>07-01-75</u>
City <u>KANUP MAR</u>	State <u>TX</u>	Zip Code <u>75142</u>	Social Security # <u>456-71-2610</u>

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following):

☒ A citizen or national of the United States

☐ A Lawful Permanent Resident (Alien #         )

☐ An alien authorized to work until          (Alien # or Admission #         )

Employee's Signature Addison H Date (month/day/year) 12-29-96

Preparer and/or Translator Certification. (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer's/Translator's Signature \_\_\_\_\_ Print Name \_\_\_\_\_

Address (Street Name and Number, City, State, Zip Code) \_\_\_\_\_ Date (month/day/year) \_\_\_\_\_

## Section 2. Employer Review and Verification. To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C as listed on the reverse of this form and record the title, number and expiration date, if any, the document(s)

List A	OR	List B	AND	List C
Document title: _____		<u>TX Driver's License</u>		<u>Social Security Card</u>
Issuing authority: _____		<u>Tex. Dept. of PS</u>		<u>US Dep. Health</u>
Document #: _____		<u>12468174</u>		<u>456-71-2610</u>
Expiration Date (if any): <u>    </u> / <u>    </u> / <u>    </u>		<u>9.11.97</u>		<u>    </u> / <u>    </u> / <u>    </u>
Document #: _____				
Expiration Date (if any): <u>    </u> / <u>    </u> / <u>    </u>				

**CERTIFICATION** - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year)      /      /      and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment).

Signature of Employer or Authorized Representative <u>Charles Flowers</u>	Print Name <u>Charles Flowers</u>	Title <u>Foreman</u>
Business or Organization Name <u>RMH ENTERPRISES, INC.</u>		Date (month/day/year) <u>12/28/96</u>
Address (Street Name and Number, City, State, Zip Code) <u>13370 BRANCH VIEW, SUITE 130C, DALLAS, TEXAS 75234</u>		

## Section 3. Updating and Reverification. To be completed and signed by employer

A. New Name (if applicable)	B. Date of rehire (month/day/year) (if applicable)
C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility.	
Document Title: _____	Document #: _____
Expiration Date (if any): <u>    </u> / <u>    </u> / <u>    </u>	

I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative \_\_\_\_\_ Date (month/day/year) \_\_\_\_\_



11/15/00 WED 17:06 FAX 9724881783

ADDISON HARRINGTON

009

**RMH ENTERPRISES, INC.**

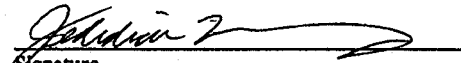
**SAFETY PROGRAM & DRUG TESTING**

I, SEIDIAH MURPHY, have read and understood that RMH ENTERPRISES, INC. dru  
EMPLOYEE NAME


program and agree to observe all rules and regulations set forth in this program. I understand that complia  
with the above stated policy is a condition of my employment at RMH ENTERPRISES, INC. I also underst  
the disciplinary action that will be taken if I have been found to be in violation of this policy or refuse to com  
with any of its requirements.

I, SEIDIAH MURPHY, understand that RMH ENTERPRISES, INC. may require  
EMPLOYEE NAME

applicant's take a pre-hire drug test, employment dependant upon test results. It is also my understanding t  
RMH ENTERPRISES, INC. may require random drug testing, employment dependant upon test results.

  
Signature

12-28-98  
Date

  
Witness

12-28-96  
Date

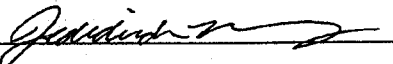
11/15/00 WED 17:06 FAX 9724881783

ADDISON HARRINGTON

010

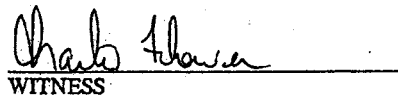
**RMH ENTERPRISES, INC.**  
**13370 BRANCH VIEW LANE, SUITE 130C**  
**DALLAS, TEXAS 75234**  
**(972) 488-1751**

**NOTIFICATION OF WORKERS' COMPENSATION NONSUBSCRIBER**

I, , understand that RMH Enterprises, Inc. is a nonsubscriber to the workers' compensation program. However, I do understand that RMH Enterprises, Inc. has a group health program to cover on the job injuries and that said company's insurance company will be notified of my employment so that coverage will begin at once. I also understand that should an injury occur, I am to notify RMH Enterprises, Inc. at once so that they may direct me to their medical provider. I understand that should I follow all guidelines set forth, I may be eligible for weekly income benefits until I am able to return to work.

  
EMPLOYEE SIGNATURE

12-28-86  
DATE

  
WITNESS

12-28-86  
DATE



F00-02424-M

THE STATE OF TEXAS

V.

JEDIDIAH ISAAC MURPHY

§  
§  
§  
§  
§  
§  
§

IN THE 194<sup>TH</sup> JUDICIAL

DISTRICT COURT OF

DALLAS COUNTY, TEXAS

**NOTICE OF INTENT TO USE CERTIFIED RECORDS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the State of Texas by and through her Assistant District Attorney, Gregory S. Davis, and files this Notice of Intent to Use Certified Records, and respectfully shows:

I.

The State of Texas may offer the following certified records at the trial of this cause:

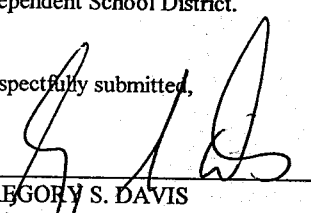
1. Defendants records from Edgewood Independent School District.

FILED

2001 APR 30 PM 2:01

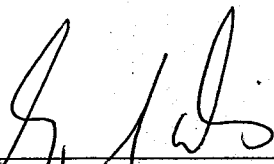
JIM HAMILIN  
DISTRICT CLERK  
DALLAS COUNTY, TEXAS

Respectfully submitted,

  
GREGORY S. DAVIS  
Assistant District Attorney  
Dallas County, Texas  
Bar No. 05493550

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing instrument was hand-delivered to  
opposing counsel on the 30th day of May, 2001.

  
\_\_\_\_\_  
GREGORY S. DAVIS

**Edgewood I.S.D.**

P.O. Box 6  
Edgewood, Tx 75117

Jack Shellnutt  
Superintendent  
Ph. # 903-896-4332  
Fax # 903-896-7056

April 26, 2001

Betty Waters  
H.S. Counselor  
903-896-4856  
Fax # 903-896-1050

Investigator Willie Richardson,

*Enclosed you will find all school records on Jedidiah Isaac  
Murphy, from Edgewood Independent School District. These papers are  
original state seal copies. I am also making this letter official by way of  
Notary. If you need any further assistance in the matter please feel to call  
me.*

Terry Phillips  
M.S. Prin  
903-896-1530

Thank you,

*Jack Shellnutt*

Rudy Waters  
Intermediate Prin  
903-896-2134

Jack Shellnutt  
Superintendent  
Edgewood I.S.D.  
(903) 896-4332

Carolyn James  
Elementary Prin  
903-896-4773

Cavin Travis  
Technology Coor  
903-896-1275

David Tidwell  
Maint/Transp Dir  
903-896-1539

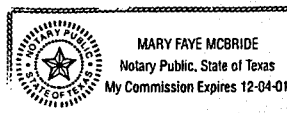
Jane Mattingly  
Business Manager  
903-896-4332

Glenda Barrett  
Payroll/Personnel  
903-896-4332

Faye McBride  
Payroll/Personnel  
903-896-4332

*Sworn to and Subscribed before me this 26 day of April 2001.*

*Mary Faye McBride*  
Notary Public, *Van Zandt* County, Texas



00605

00606

## FULL SCHOOL

## AMERICAN TESTRONICS

Name	Test Date	Program	Sem	Reg. Total	Reg. Comp.	Vocab.	Lang. Total	Spelling	Comp. Punc.	Grammar	Math. Total	Concept	Comp. Skill	Problem Solving	Basic Skill	WORD ATT.	STUDY SKILL
TOLAR JIM	04/08/87	RS	2	71	43	28	31	9	10	12	38	13	20	5	5.4	N	12
		GE	NP	6.2	6.0	6.7	5.3	5.2	3.9	6.1	5.2	4.4	6.2	4.2	4.0	N	4.4
		NP	LP	57	52	65	36	40	16	53	36	28	59	10	4.0	N	3.4
		Level	NCE	54	51	58	42	45	29	52	42	38	55	23	4.5	N	4.1

## AMERICAN TESTRONICS

Name	Test Date	Program	Sem	Reg. Total	Reg. Comp.	Vocab.	Lang. Total	Spelling	Comp. Punc.	Grammar	Math. Total	Concept	Comp. Skill	Problem Solving	Basic Skill	WORD ATT.	STUDY SKILL
HURPHY JIM	04/19/88	GE	2	7.5	6.6	6.8	5.3	6.5	5.7	4.0	6.3	6.0	6.7	5.8	6.4	N	3.5
		NP	LP	54	42	50	15	43	20	4.4	26	16	4.3	1.8	3.9	N	1.5
		Level	NCE	49	46	49	16	51	13	13	18	13	41	15	2.5	N	1.6

## AMERICAN TESTRONICS

Name	Test Date	Program	Sem	Reg. Total	Reg. Comp.	Vocab.	Lang. Total	Spelling	Comp. Punc.	Grammar	Math. Total	Concept	Comp. Skill	Problem Solving	Basic Skill	WORD ATT.	STUDY SKILL
MURPHY JIM	03/23/89	GE	2	8.1	7.6	6.3	5.3	4.4	6.0	4.8	7.0	7.6	7.2	7.2	6.8	N	4.3
		NP	LP	57	49	33	13	17	33	15	47	48	47	45	3.6	N	1.0
		Level	NCE	54	65	16	3	3	17	2	38	43	35	37	2.4	N	1.2

09/CT4 907 492A

## CONFIDENTIAL

STUDENT: MURPHY JIM I

ID. NO.: (OPTIONAL)

DISTRICT: 234-903 EDGEMOOD MIDDLE

CAMPUS: 041 EDGEMOOD MIDDLE

SCALE SCORE SUBJECT MASTERY

MATHEMATICS

READING

WRITING

768  
149  
700YES  
YES  
YES

Academic Achievement Record Sent:

Requesting Agency

Date Sent

Academic Achievement Record Sent:

Requesting Agency

Date Sent

Honors / Activities

Special Comments

00607

## ACADEMIC ACHIEVEMENT RECORD

Full Legal Name Murphy, Jim Ed  
 Student ID Number 940138 Last First Middle S  
 Social Security Number 456-71-2412 Sex M  
 Date of Birth 9-1-75 Place of Birth Sanora  
 Paying(s) Bob & Samatha Name Murphy  
 Current Address Box 412, Edgewood State/Zip Code TX 75020  
 Most Recent Former Address \_\_\_\_\_  
 Home Phone 214 876 4779 Business Phone ( ) \_\_\_\_\_  
 City \_\_\_\_\_ State/Zip Code \_\_\_\_\_

Name of High School \_\_\_\_\_  
 Phone ( ) \_\_\_\_\_ Proposed Date of Graduation \_\_\_\_\_  
 High School Address \_\_\_\_\_  
 District Name \_\_\_\_\_  
 TEA County/District/Campus Number \_\_\_\_\_  
 Rank \_\_\_\_\_ No. in Class \_\_\_\_\_  
 Grade Point Average \_\_\_\_\_ Date of Ranking \_\_\_\_\_  
 Last District/High School Attended \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State/Zip Code \_\_\_\_\_

00608

College Board Campus Code Number \_\_\_\_\_  
 Advanced High School Program \_\_\_\_\_  
 Date of First Entry in 9th Grade \_\_\_\_\_  
 TASS Mastery Exit Level \_\_\_\_\_  
 Mathematics \_\_\_\_\_  
 Reading \_\_\_\_\_  
 Writing \_\_\_\_\_  
 No./Yr. \_\_\_\_\_ No./Yr. \_\_\_\_\_ No./Yr. \_\_\_\_\_

Signature and Title of School Official

Course Name	Grade 9 19			Grade 10 19			Grade 11 19			Grade 12 19			Extra 19		
	Abbreviated Course Name	1st Sem Gr.	2nd Sem Gr.	Abbreviated Course Name	1st Sem Gr.	2nd Sem Gr.	Abbreviated Course Name	1st Sem Gr.	2nd Sem Gr.	Abbreviated Course Name	1st Sem Gr.	2nd Sem Gr.	Abbreviated Course Name	1st Sem Gr.	2nd Sem Gr.
English Language Arts															
Mathematics															
Science															
Social Studies															
Economics/Free Enterprise															
Health															
Physical Ed./Equivalent															
Other Languages															
Fine Arts															
Computer Science															
Vocational Education															
Electives															
Business Education															
Local Credit															
Total Credits for Year															

Explanation of Grades (Example: A = 93-100)

A = \_\_\_\_\_  
 B = \_\_\_\_\_  
 C = \_\_\_\_\_  
 D = \_\_\_\_\_  
 F = \_\_\_\_\_

Definition of Grade Points (If entered: A = 4, B = 3, C = 2, D = 1, F = 0)

Note: In the "Abbreviated Course Name" column, space is provided to the right of the dashed line for

ACCELTED by \_\_\_\_\_

ACCREDITED BY:

Texas Education Agency	Southern Association of Secondary Schools
Yes _____ No _____	Yes _____ No _____

## FOR LOCAL USE

## STANDARDIZED TEST/TEAMS RESULTS

## AMERICAN TESTINONICS

MURPHY JIM

Comprehensive Assessment  
Program  
Sem. 2  
10/20/90 NP 67 62 45NORM-REFERENCED ASSESSMENT PROGRAM FOR TEXAS  
CONFIDENTIAL STUDENT LABELMURPHY JIM  
TEST DATE APRIL 1992  
FORM 2  
CONFIDENTIAL STUDENT LABELGRADE 11 SEX M  
BIRTH DATE 09/01/75  
STUDENT ID (PEHNS) 456712610  
CAMPUS: 001 EDGEWOOD ISD  
DISTRICT: EDGEWOOD ISD

Printed by IPC, © 1991, The Riverside Publishing Co. and Texas Education Agency.

SCORE TYPE	Reading Comprehension	Conceptual Problem Solving	Reading Comprehension	Writing Expression	Reading Math Long Composition	Science
RS	28	35	34	34	27	11
CS	28-4	35-6	34-5	34-5	27-3	11-3
N/PRS	38.2	56.6	48.0	58.3	51.9	27.8

CONFIDENTIAL

CONFIDENTIAL

TEST DATE: 10/90  
STUDENT: JEDIDIAH I  
BIRTH DATE: 09/01/75  
STUDENT ID (PEHNS): 456712610  
DISTRICT: 234-903 EDGEWOOD ISD  
CAMPUS: 001 EDGEWOOD H SSCALE SUBJECT  
WRITING 1270  
READING 1490  
MATHEMATICS 1420  
YES YES YESG EXIT LEVEL CUMULATIVE LABEL  
STUDENT: MURPHY JEDIDIAH I  
BIRTH DATE: 09/01/75  
STUDENT ID (PEHNS): 456712610  
DISTRICT: 234-903 EDGEWOOD ISD  
CAMPUS: 001 EDGEWOOD H SSCALE SUBJECT  
WRITING 1270  
READING 1510  
MATHEMATICS 1490  
YES YES NO

Academic Achievement Record Sent:

Academic Achievement Record Sent:

Requesting Agency

EXIT LEVEL CUMULATIVE LABEL  
STUDENT: MURPHY JEDIDIAH I  
BIRTH DATE: 09/01/75  
STUDENT ID (PEHNS): 456712610  
DISTRICT: 234-903 EDGEWOOD ISD  
CAMPUS: 001 EDGEWOOD H S

Date Sent

NORM-REFERENCED ASSESSMENT PROGRAM FOR TEXAS  
CONFIDENTIAL STUDENT LABELMURPHY JIM  
TEST DATE APRIL 1992  
FORM 2  
CONFIDENTIAL STUDENT LABEL

SCORE TYPE	Reading Comprehension	Conceptual Problem Solving	Reading Comprehension	Writing Expression	Reading Math Long Composition	Science
RS	28	35	34	34	27	11
CS	28-4	35-6	34-5	34-5	27-3	11-3
N/PRS	38.2	56.6	48.0	58.3	51.9	27.8

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N/PRS	38.2	56.6	48.0	58.3	51.9	27.8

SCALE SUBJECT  
WRITING 1270  
READING 1510  
MATHEMATICS 1490  
YES YES YESSCALE SUBJECT  
WRITING 1270  
READING 1510  
MATHEMATICS 1490  
YES YES NO



EDGEWOOD INDEPENDENT SCHOOL DISTRICT  
DISCIPLINE MANAGEMENT PLAN  
PARENTAL AGREEMENT

I am the Parent/guardian of Sam Murphy  
and I have read the Discipline Management Plan of the Edgewood  
Independent School District, and I am aware of the responsibilities  
outlined in the program.

Sam Murphy  
Signature

Sept 1, 1988  
Date

A copy of this agreement must be signed and returned to the  
Principal's Office each year your child attends Edgewood  
Independent School District.

(Tolar) IMMUNIZATION RECORD

Name: Murphy, John

Date of Birth: 9-1-75

Address: Box 412, Edgewood Tel. No. 892-4779 Sex: (M) F

School: Edgewood H.S. Parent's Name: Bob & Samantha Murphy

VACCINES	DATE	DATE	DATE	DATE
DTP, DT, Td, S, P, R, X	X	X	8-27-80	6-28-90
OPV, IPV, S, P, R, X	X	X	8-27-80	6-28-90
Measles	VACCINE	1-7-81		ILLNESS
Mumps	VACCINE	1-7-81		ILLNESS
Rubella	VACCINE	1-7-81		ILLNESS
T				Record hearing and
H				vision on reverse.
B				
TB Test	Date:	Result:		

Date: \_\_\_\_\_ Signed: \_\_\_\_\_



**AudiScope™ Screening Results**  
25dB HL

Patient Tim Murphy  
Tested by Q. Muller Date 11/9/89  
Unaided Unaided

	Y = Response		N = No Response	
Right Ear	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Left Ear	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	500	1000	2000	4000
Frequency (Hz)				

**Welch Allyn**  
State Street Road, Box 220  
Stamford, CT 06907-0220  
USA

Form 230107-2  
Reorder No. 55230

## REPORT OF WITHDRAWAL

Name Jim Tolan Date 3/4/87School Fruitvale Elem.

Reason for withdrawal \_\_\_\_\_

Please grade student for work completed to date. (Grades in ink, please.)

Period	Subject	Room Books Ret'd	Grade	Teacher's Signature
1	Reading	✓	77	Betty Blake
2	Eng	✓	80	Betty Blake
3	Spelling	✓	74	Betty Blake
4	Math	✓	75	Betty Blake
5	Science	✓	76	Betty Blake
6	Health	✓	78	Betty Blake
7	Soc St.	✓	75	Betty Blake

Textbook Custodian Due Refund of Fees Paid Amt. \_\_\_\_\_

HOMEROOM TEACHER \_\_\_\_\_

Betty Blake

Lock Record \_\_\_\_\_

GUIDANCE DIRECTOR \_\_\_\_\_

Betty Blake

Library Record \_\_\_\_\_

PRINCIPAL Maria M. M. M.

Reorder Form 7421 • Steck-Vaughn Company

Name of Pupil		Grade		School		District		County		City or Town	
John Talar		5		Fulton		Fulton		Fulton		Fulton	
Let of Books	Book No.	Issued	Returned	Let of Books	Book No.	Issued	Returned				
Arithmetic	5-11-85	✓	60	Science	5-5-85	23	80				
Civil Government				Social Studies	82-83-84	16	80				
Dictionary				Spanish							
Art				Spelling	5-3-84	11	60				
Handwriting				Vocal Music							
History				Band							
Homemaking				Orchestra							
Language & Grammar	84-85-86		60	Intro. Gen. Shop							
Literature	6-5-85		60								
Physiology											
Readers-Basic	12-3-85	80									
Readers-Suppl.											

Teacher: *Martha M. M. M.*

Principal: *Martha M. M. M.*

Superintendent: *Martha M. M. M.*

Director: *Martha M. M. M.*

County: *Martha M. M. M.*

City or Town: *Martha M. M. M.*

State: *Martha M. M. M.*

Year: *Martha M. M. M.*

Month: *Martha M. M. M.*

Day: *Martha M. M. M.*

Hour: *Martha M. M. M.*

Minute: *Martha M. M. M.*

Second: *Martha M. M. M.*

Tenth: *Martha M. M. M.*

Hundredth: *Martha M. M. M.*

Thousandth: *Martha M. M. M.*

Ten-thousandth: *Martha M. M. M.*

Hundred-thousandth: *Martha M. M. M.*

Millionth: *Martha M. M. M.*

Billionth: *Martha M. M. M.*

Trillionth: *Martha M. M. M.*

Quadrillionth: *Martha M. M. M.*

Quintillionth: *Martha M. M. M.*

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Septodecillionth: *Martha M. M. M.*

Octodecillionth: *Martha M. M. M.</*

00615



PERSONAL IDENTIFICATION

NAME Jedidah Awar Murphy

CLASS.

NO.

F. B. I. No.  
B. C. I. No.

REF.

Mr. Burns

Impressions taken by

Date 12/3/88

BY SG/ Rose

1. Right Thumb

2. R. Fore Finger

3. R. Middle Finger

4. R. Ring Finger

5. R. Little Finger

RIGHT HAND

6. L. Thumb

7. L. Fore Finger

8. L. Middle Finger

9. L. Ring Finger

10. L. Little Finger

LEFT HAND

LEFT HAND Plain Impressions Taken Simultaneously  
LEFT HAND - Four Fingers

L. Thumb R. Thumb

RIGHT HAND Plain Impressions Taken Simultaneously  
RIGHT HAND - Four Fingers

MANUFACTURED BY  
SIRCHIE TEROID PRINT LABORATORIES  
UNITED INDUSTRIAL INC., P.O. BOX 2004  
FALLING ROCK ESTATES, MISS., PHONE 769-2100

PLEASE DO NOT FOLD THIS CARD

CAT. NO. FC 334

00617

NAME OF		Birthplace		Nationality or Ethnic Origin		Grade English	
STUDENT	(Last Name)	Country	State	Yes	No	Yes	No
TOLE	Jim	Ed					
FATHER	BOB MURPHY						
MOTHER	SAMANTHA MURPHY						
LEGAL GUARDIAN	(ABOVE)						

Birthdate of Student: 9/1/75

Birthplace: SONORA, TX

List any physical defects or handicaps:

Date of Vaccination: \_\_\_\_\_

Father living? \_\_\_\_\_ Address: \_\_\_\_\_

Mother living? \_\_\_\_\_ Address: \_\_\_\_\_

Full name of person (or institution) with whom student lives, if not with both parents: \_\_\_\_\_

Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

Residence of student on Feb. 1, 19: \_\_\_\_\_ (District): \_\_\_\_\_

County: \_\_\_\_\_ State: \_\_\_\_\_

Date moved to present district: Mo. \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

Bus Route: \_\_\_\_\_

Run No. \_\_\_\_\_

Date now: \_\_\_\_\_

### Census Registration Card — Grades K-6

(CENTRAL OFFICE COPY)

Reorder Form 7002 • Steck-Vaughn Company

NAME OF		Birthplace		Nationality or Ethnic Origin		Grade English	
STUDENT	(Last Name)	Country	State	Yes	No	Yes	No
TOLE	Jim	Ed					
FATHER	BOB MURPHY						
MOTHER	SAMANTHA MURPHY						
LEGAL GUARDIAN	(ABOVE)						

Birthdate of Student: \_\_\_\_\_

Birthplace: \_\_\_\_\_

List any physical defects or handicaps: \_\_\_\_\_

Date of Vaccination: \_\_\_\_\_

Father living? \_\_\_\_\_ Address: \_\_\_\_\_

Mother living? \_\_\_\_\_ Address: \_\_\_\_\_

Full name of person (or institution) with whom student lives, if not with both parents: \_\_\_\_\_

Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

Residence of student on Feb. 1, 19: \_\_\_\_\_ (District): \_\_\_\_\_

County: \_\_\_\_\_ State: \_\_\_\_\_

Date moved to present district: Mo. \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

Bus Route: \_\_\_\_\_

Run No. \_\_\_\_\_

Date now: \_\_\_\_\_

### Census Registration Card — Grades K-6

(SCHOOL COPY)

Reorder Form 7002 • Steck-Vaughn Company



DISTRICT NAME Edgewood

TEXAS EDUCATION AGENCY  
DIVISION OF BILINGUAL EDUCATION  
Home Language Survey  
Grades K-7

Name of Child Jim Solar

Campus Edgewood Elementary

To be filled in by parent of guardian

- (1) What language is spoken in your home most of the time? English  
(2) What language does your child speak most of the time? English

Bob C. Murphy  
Signature of parent or guardian

3-5-87  
DATE

BE-029a

~~Nombre del Distrito~~

CUESTIONARIO DE IDIOMA HOGARENO  
ESTADO DE TEXAS  
Grados K-7

Hombre del niño (a) \_\_\_\_\_

Escuela \_\_\_\_\_ Grado \_\_\_\_\_

Debe De Completarse for el padre or guardian:

(1) Cual es el idioma que mas se habla en su hogar? \_\_\_\_\_

(2) Cual es el idioma que mas habla su nini (a) ? \_\_\_\_\_

\_\_\_\_\_  
Firma del Parde o Guardian

\_\_\_\_\_  
FECHA

00610

**TEXAS DEPARTMENT OF HEALTH  
VISION SCREENING and/or EYE EXAMINATION**

ATTENTION PARENT: Please present this certificate when enrolling your child in school for the first time. Article 4419I, Texas Revised Civil Statutes, requires that every child have an eye examination or approved vision screening test prior to, or within 90 days after, entry into a Texas school.

SCHOOL Edgewood H.S. CITY Edgewood COUNTY Tarrant  
 Child's Name Jim Murphy Birth Date 9-1-75 Age 15 Sex male  
 Parent's Name m/m Bob Murphy Telephone Number 896-4779  
 Address Box 412 Edgewood, TX Zip Code 75117

**VISION SCREENER REPORT**

Visual acuity screening is only a check of the sharpness of a child's vision and should not be interpreted as a substitute for a complete vision examination. A child who fails this screening should be referred to an eye specialist for a complete visual examination.

VISUAL ACUITY  
First test

Screened with glasses? Yes ☒ No ☐

SCREENING RESULTS

Right Eye 20/30  
Left Eye 20/30

☒ Snellen Chart  
☐ Other: \_\_\_\_\_

PASSED ☒  
FAILED ☐

Second test

Right Eye 20/  
Left Eye 20/

☐ Snellen Chart  
☐ Other: \_\_\_\_\_

PASSED ☐  
FAILED - REFERRED ☐

Observable Signs \_\_\_\_\_

Other Tests(s) \_\_\_\_\_

Reason for referral to Eye Specialist

DATE

VISION SCREENER

ORGANIZATION RESPONSIBLE FOR SCREENING

**EYE SPECIALIST REPORT  
(Ophthalmologist or Optometrist)**

VISUAL ACUITY

Without correction

With correction

RIGHT EYE

20/

20/

LEFT EYE

20/

20/

Problem(s) noted: \_\_\_\_\_

PLEASE CHECK IF APPROPRIATE:

- ☐ Recommendations:  
☐ Medical evaluation  
☐ Glasses  
☐ Contact Lenses  
☐ Other: \_\_\_\_\_

- ☐ Corrective Lens prescribed  
☐ Constant Wear  
☐ Near Vision only  
☐ Far Vision only  
☐ May be removed for physical education

- ☐ Re-examination advised  
☐ Six months  
☐ Twelve months  
☐ Other: \_\_\_\_\_

Please print or stamp.

Doctors Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Present Date \_\_\_\_\_

Date of last examination \_\_\_\_\_

Please retain this certificate with other health records of the child.

DOCTOR'S SIGNATURE

1980

00620

## SWEEP CHECK SCREENING TEST

School Edgewood High School Grade 9 Date 4-22-91

1. Screen four frequencies at 25 dB HTL.
2. Make a check mark for each tone heard.
3. Identify failure to respond with an "F" or "X."
4. Sequence of tone presentation:  $\rightarrow$

Student's Name	ear	4 500 Hz	7 1000 Hz	2 2000 Hz	3 4000 Hz	Remarks
<u>1st Screen</u> <i>Jim Murphy</i>	R	✓	✓	✓	✓	<i>passed</i>
	L	✓	✓	✓	✓	
<u>2nd Screen</u>	R					
	L					

Children failing to respond to *TWO* (of the four) frequencies in *EITHER* ear should be re-screened with another Sweep Check Test within 3 to 4 weeks. (Signs or symptoms alone would be sufficient for referral.) Failure of *TWO* frequencies in *EITHER* ear on the second Sweep Check Test requires the Threshold Screening Test. (Failure of one frequency may be marked "Observe.")

## THRESHOLD SCREENING TEST

1. Screen six frequencies, beginning each at 40 dB HTL (down--10 dB; up--5dB).
2. Graph the threshold for each frequency ("O" = right ear; "X" = left ear). Connect those symbols with a straight line as screening is completed for each ear.
3. Tone presentation sequence:  $\rightarrow$

AUDIOGRAM		FREQUENCY IN HERTZ					
		6	5	1	2	3	4
		250	500	1k	2k	4k	6k
NAME							
DATE	AGE						
EXAMINER							
REGISTRATION NUMBER							
EAR	AIR						
Right (red)	O						
Left (blue)	X						
Complies with ANSI-1969							
<input type="checkbox"/> = Frequencies not used for referral							

A child is considered to have failed this test if the hearing threshold for any two of the four referral frequencies, between 500 and 4000 Hz, is greater than 25 dB in *EITHER* ear.

TEXAS DEPARTMENT OF HEALTH  
BUREAU OF VITAL STATISTICS

STATE OF TEXAS		CERTIFICATE OF BIRTH		BIRTH NO. 142-75-169317	
1. NAME (Type or print)		(a) First	(b) Middle	(c) Last	2. DATE OF BIRTH
		Jim	Ed	Tolar	September 1, 1975
3. SEX	4a. PLACE OF BIRTH - COUNTY	4b. CITY OR TOWN (If outside city limits, give precinct no.)			
Male	Sutton	Sonora			
4c. NAME OF HOSPITAL (If not in hospital, give street address)	4d. INSIDE CITY LIMITS?	5a. THIS BIRTH SINGLE, TWIN, TRIPLET, ETC. (Specify)	5b. IF TWIN OR TRIPLET, WAS CHILD BORN 1st, 2nd, 3rd (Specify)		
-	Yes	Single	-		
6. NAME		(a) First	(b) Middle	(c) Last	
		Terry	Clyde	Tolar	
7. RACE	8a. IS FATHER OF SPANISH ORIGIN?	8b. IF YES, SPECIFY MEXICAN, CUBAN, PUERTO RICAN, ETC.			
White	No	-			
9. AGE (At time of this birth)	10. BIRTHPLACE (State or foreign country)	11a. USUAL OCCUPATION	11b. KIND OF BUSINESS OR INDUSTRY		
25	Texas	Delivery Truck Driver	Meat Market		
12. MAIDEN NAME		(a) First	(b) Middle	(c) Last	
		Celeste	Elaine	Peoples	
13. RACE	14a. IS MOTHER OF SPANISH ORIGIN?	14b. IF YES, SPECIFY MEXICAN, CUBAN, PUERTO RICAN, ETC.			
White	No	-			
15. AGE (At time of this birth)	16. BIRTHPLACE (State or foreign country)	17a. USUAL OCCUPATION	17b. KIND OF BUSINESS OR INDUSTRY		
20	Texas	Child Care	-		
18a. RESIDENCE - STATE	18b. COUNTY	18c. CITY OR TOWN (If outside city limits, show rural ZIP CODE)	18d. STREET ADDRESS (If rural, give location)	18e. INSIDE CITY LIMITS?	
Texas	Van Zandt	Grand Saline, 75140	313 N. Saline	-	
19. Children previously born to this mother (Do NOT include this birth)		a. How many other children were born alive but are now living?	b. How many other children were born alive but are now dead?	c. How many children were born dead after 20 weeks pregnancy?	20. INFORMANT
2		0	0	0	Terry Clyde Tolar
21. I hereby certify to the birth of this child who was born alive on the date stated above		22a. NAME			
		Terry Clyde Tolar			
		22b. ADDRESS			
		Route 2, Box 257A, Grand Saline, Texas			
23a. FILE NO.		23b. FILE DATE		23c. SIGNATURE OF STATE REGISTRAR	
688		November 7, 1975		<i>W. D. Carroll</i>	

This is to certify that this is a true and correct reproduction of the original record as recorded in this office. Issued under authority of Rule 54a, Article 4477, Revised Civil Statutes of Texas. 00622

ISSUED

W. D. CARROLL  
STATE REGISTRAR

WARNING: IT IS ILLEGAL TO DUPLICATE THIS COPY.

CERTIFICATION OF VITAL RECORD

*Isawater*

Jim Ed Tolar

456-71-2610

Our court hearing on the adoption and name change is scheduled for this month according to our attorney.

Jim's new name is:

Jedidiah Isaac Murphy

Social Security will be changed to that name.

Thanks,  
*J. Murphy*



# TEXAS EDUCATIONAL ASSESSMENT OF MINIMUM SKILLS CONFIDENTIAL STUDENT REPORT

STUDENT: TOLAR

JIM

DISTRICT: 234-909 FRUITVALE ISD

REPORT DATE: MAY 1987

DATE OF BIRTH: 09/01/75

CAMPUS: 101 FRUITVALE EL

DATE OF TESTING: FEBRUARY 19

DISTRICT STUDENT ID:

CLASS GROUP: BETTY DRAKE

GRADE: 05

SUBJECT AREAS TESTED	OBJECTIVES	MASTERY	ITEMS CORRECT	SCALED SCORE
MATH	1. PLACE VALUE 2. EQUIVALENT FRACTIONS 3. DECIMALS (+, -) 4. MULTIPLICATION 5. DIVISION 6. WORD PROBLEMS (+, -) 7. WORD PROBLEMS (x, /) 8. WORD PROBLEMS (DECIMAL) 9. MEASUREMENT UNITS 10. GRAPHS 11. PERIMETER OR AREA OF POLYGONS	YES YES YES YES YES YES YES YES YES YES YES	4 3 4 4 4 4 3 3 3 4 3	DEMONSTRATED MASTERY OF MINIMUM GRADE FIVE MATHEMATICS COMPETENCIES; YES
SCIENCE				
READING	1. MAIN IDEA CLUES 2. CONTEXT DETAILS 3. SEQUENCING OF EVENTS 4. DRAWING CONCLUSIONS 5. FACT, OPINION 6. CAUSE AND-EFFECT 7. PARTS OF A BOOK 8. GRAPHIC SOURCES	YES YES YES YES YES YES YES YES	5 4 3 3 3 3 4 4	DEMONSTRATED MASTERY OF MINIMUM GRADE FIVE READING COMPETENCIES; YES
WRITING				
LANGUAGE	1. CAPITALIZATION 2. PUNCTUATION 3. SPELLING 4. CORRECT ENGLISH USAGE 5. SENTENCE STRUCTURE 6. PROOFREADING	YES YES YES YES YES YES	3 3 3 3 3 3	DEMONSTRATED MASTERY OF MINIMUM GRADE FIVE WRITING COMPETENCIES; NO
	TOTAL OBJECTIVES MASTERED: 8	TOTAL CORRECT: 29	SCALED SCORE: 778	
	DESCRIPTIVE WRITTEN COMPOSITION RATING: 1		SCALED SCORE: 600	5001-00089-0070

00624

# ATTENDANCE RECORD

Report Period	1	2	3	4	5	6	Total
Days Present				28			
Days Absent				2			
Sickness				0			
School work is affected by frequent absences (Yes/No)							

## PHYSICAL GROWTH

	September	May
Height		
Weight		

PARENT SIGNATURE

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Promoted/Assigned To \_\_\_\_\_ Grade \_\_\_\_\_

## FRUITVALE INDEPENDENT SCHOOL DISTRICT

FRUITVALE, TEXAS

### ELEMENTARY SCHOOL PROGRESS REPORT



STUDENT'S NAME Jim Tolal  
 GRADE 5 YEAR 1986 -19 87  
 TEACHER B Drake  
 PRINCIPAL Mrs. Maciel

00625



Student's Name Jim

Areas of Learning (Grades 1-6)								
Reporting Period	1	2	3	Mid Term Avg.	4	5	6	Year Avg.
Reading					77			
Level OL								
Language					80			
Handwriting					C-			
Spelling					74			
Math					78			
Level OL					76			
Science/Health					76			
Social Studies					75			
Art (S-N)					S			
Music (S-N)					S			
P.E.					S			

## GRADES

A-Excellent (90-100)

B-Good (80-89)

C-Fair (70-79)

F-Failing (69-Below)

## Social Attitudes/Study Habits

Reporting Period	1	2	3	4	5	6
1. Conduct (A-F)				B		
2. Is Courteous				S		
3. Works neatly & carefully				S		
4. Works quietly; does not disturb others				S		
5. Finishes work				S		
6. Always has school supplies				S		
7. Follows instructions (oral and written)				S		
8. Is attentive & listens well				S		
9. Gets along well with other students				S		
10. Respects authority				S		
11. Assumes responsibility				S		
12. Uses time wisely				S		

## EXPLANATION OF MARKS

## Levels

AL-Above level

OL-On level

BL-Below level

## Progress Mark

N-Needs improvement

I-Improving

S-Satisfactory

U-Unsatisfactory

Students may be working above, on, or below grade level in the basic skills. Both the level on which they are working and the grade they receive are marked so that parents may be aware of the levels of performance of their child.

00626



Jim / Weeks Test

Push 75

82

98

100

97

Health 100

Eng. 78

## REPORT OF WITHDRAWAL

Name Tim Tolar Date 3/4/87  
 School Fruitvale Elem.

Reason for withdrawal .....  
 Please grade student for work completed to date. (Grades in Ink, please.)

Period	Subject	Room Books Ret'd	Grade	Teacher's Signature
1	Reading	✓	77	Betty Drake
2	Eng.	✓	80	Betty Drake
3	Spelling	✓	74	B. Drake
4	Math	✓	73	B. Drake
5	Science	✓	76	B. Drake
6	Health	✓	73	B. Drake
7	Soc. St.	✓	75	B. Drake

Textbook Custodian ..... Due Refund on Fees Paid ..... Amt. ....  
 HOMEROOM TEACHER Betty Drake Lock Record .....  
 GUIDANCE DIRECTOR ..... Library Record .....  
 PRINCIPAL Movita Mancel

Reorder Form 7421 • Steck-Vaughn Company

[illegible]

+

READING TOTAL	GE	NCE	NP	5	10	20	30	40	50	60	70	80	90	95	99
COMPREHENSION	7.5	54	57	XXXX											
VOCABULARY	6.6	46	42	XXXX											
LANGUAGE TOTAL	5.8	50	50	XXXX											
SPELLING	5.3	28	15	XXXX											
CAPITAL, PUNC.	6.5	46	43	XXXX											
GRAMMAR	5.7	32	20	XXXX											
MATHEMATICS TOTAL	4.0	13	4	XXXX											
CONCEPTS	6.3	29	16	XXXX											
COMPUTATION	6.0	26	26	XXXX											
PROBLEM SOLVING	5.7	46	43	XXXX											
BASIC SKILLS TOTAL	5.8	31	18	XXXX											
WORD ATTACK	6.4	44	39	XXXX											
STUDY SKILLS	3.6	15	5	XXXX											

VOCABULARY *	83/73	01+	02-	03+	04+	05+	06+	* MATH CONCEPTS *	42/56	26-	27+	28-	29-	30-	31-
LITERAL COMP	07+	08-	09+	10+	11+	12+	13+	GEOMETRY	33/39	46-	51+	52+	53-	54-	55-
FACT STATED-RESTAT	19+	14+	15+	16+	17+	18+	19+	MEASUREMENT	32+	33+	34-	35+	36-	37-	38-
COMBINING INFO	25+	20+	21+	22-	23+	24+	25+	* MATH PROBLEM SOLV *	48-	49-	50-	51+	52+	53-	54-
INFERENTIAL COMP	54+	53+	56-	64+	67+	69+	70+	WHOLE NUMBERS	25/47	44-	45+	47-	56-	57-	58-
FACT IMPLIED	55/65	11+	18-	19-	21+	23-	26+	FRAC, CURR, DEC	33/47	62+	67+	69-	70-	73-	74-
CONCLUSION	45/58	05-	07-	13-	27+	34+	39-	RATIO, AVG, PERCENT	25/37	60-	66-	72+	74-	75-	76-
CRITICAL THINKING	50/51	09-	10+	15-	24-	50+	53-	CONSONANTS	60/55	01-	03+	07+	08+	10-	11-
MAIN IDEA	62+	70+						VOWELS	86/72	04+	05-	06+	09+	11+	12-
TITLE, TOPIC	83/61	16+	17+	25+	51+	59+	60-	AFFIXES	33/42	02-	12+	14-	15-	16-	17-
CONTEXT CLUES	62/57	04+	06+	12-	14+	20+	22+	* CAPITALIZATION *	75/70	01+	02+	03+	04+	05+	06-
DIFF-MULT-MEAN WORD	36-	46-	58+	61+	63-	65+	68-	PUNCTUATION	40/54	01-	02+	03-	04+	05-	06-
* MATH COMPUTATION *	89/69	01+	02+	03+	04+	05+	08-	* GRAMMAR *	33/51	01-	07+	08+	12-	16-	17-
WHOLE NUMBER OPNS	14+	22+	24+					PRONOUNS	06/47	02-	13-	14-	15-	16-	17-
DECIMAL OPERATIONS	50/53	11+	12-	16+	19+	21-	23-	OTHER USAGE	27/48	03+	04+	05-	06-	09-	10-
FRACTION OPERATIONS	70/67	06+	07+	09+	10+	13-	15+	* REF / STUDY SKILLS *	10/49	01-	02+	03-	04-	05-	06-
	17+	18+	20-	25-				LIBRARY REFERENCE	07+	08-	09-	10-	11-	12-	13-
								SOCIAL SCIENCE	50/67	17+	18+	19-	20+	21-	22-

00631

PRINCIPAL

NURSE:

CAPTAIN:

LIBRARY:

Please attach book card, immunization, and report card to this form.

11. Other information that will help this child adjust to the new school situation

10. Hearing Test Date 8-5-86 Result Normal Eye Test Date 8-5-86 Result Normal

9. Immunization - Card Attached

Requested? Yes

8. Will you make test information available to the receiving school, if

7. Grade level on which student reads: Year 5 Semester 1

6. Grades - Card Attached

Address of Company

5. Has School Insurance

Name of Company

4. Date Enrolled 9-2-86 Date Withdrawn 1-5-87 this year

Days Absent from School

3. School Blumington District 28 Town Blumington State IL2. Date of Birth 9-1-75 Parent or Guardian1. Student John Grade 5

Available.

This form is to be filled out and given the student at the time he withdraws from school. Please place a question mark in the space where information is not available.

TEXAS ELEMENTARY SCHOOL TRANSFER FORM







[illegible]

## EDUCATIONAL USE RECORD

THEORY OF, (in French)

[illegible]

Student's Name

*Jim Arlar*

## Areas of Learning (Grades 1-5)

Reporting Period	1	2	3	4	5	6	Year Avg.
Reading	80	88	76				
Level	OL	OL	OL				
Language	85	83	81				
Handwriting	82	75	80				
Spelling	81	85	15				
Math	54	82	84				
Level	AL	AL	HL				
Science-Health	82	81	75				
Social Studies	69	78					
Art (S-N)	93	94	92				
Music (S-N)	S	S					
P.E.	S	S					

\*Math Daily average 55 that average 52  
 \*18. Didn't turn in a long report.

## GRADES

- A - Excellent (90-100)  
 B - Above Average (80-89)  
 C - Average (70-79)  
 D - Below Average (60-69)

## Social Attitudes/Study Habits

Reporting Period	1	2	3	4	5
1. Conduct (A-F)	S	S			
2. Is courteous	S	S			
3. Works neatly & carefully	S	S			
4. Works quietly, does not disturb others	N	N			
5. Finishes work	N	N			
6. Always has school supplies	S	S			
7. Follows instructions (oral and written)	S	S			
8. Is attentive & listens well	N	N			
9. Gets along well with other students	S	S			
10. Respects authority	S	S			
11. Assumes responsibility	S	S			
12. Uses time wisely	S	N			

## EXPLANATION OF MARKS

## Levels

- AL - Above level  
 OL - On level  
 BL - Below level

## Progress Mark

- N - Needs improvement  
 I - Improving  
 S - Satisfactory

Students may be working above, on, or below grade level in the basic skills. Both the level on which they are working and the grade they receive are marked so that parents may be aware of the level of performance of their child.

00637

12) Cual es el idioma que mas habla su nino(a)?

11) Cual es el idioma que mas se habla en su hogar?

DEBE DE COMPLETARSE POR EL PADRE O GUARDIAN:

Escuela \_\_\_\_\_ Grado \_\_\_\_\_

Nombre del Nino(a) \_\_\_\_\_

CUESTIONARIO DE IDIOMA HOGARENO  
ESTADO DE TEXAS  
GRADOS K-3

Nombre del Distrito \_\_\_\_\_

BE-0294

Date

1-2-27

Signature of Parent or Guardian

(2) What language does your child speak most of the time?

(1) What language is spoken in your home most of the time?

TO BE FILLED IN BY PARENT OR GUARDIAN:

Campus Lytle Grade 3-4

Name of child Olivia Lopez

Home Language Survey  
Grades K-8

TEXAS EDUCATION AGENCY  
DIVISION OF BILINGUAL EDUCATION

District Name \_\_\_\_\_

FRUITVALE INDEPENDENT SCHOOL DISTRICT  
DISCIPLINE MANAGEMENT PLAN  
PARENTAL AGREEMENT

I am the parent/guardian of Jim Talar  
and I have read the Discipline Management Plan of the Fruitvale  
Independent School District, and I am aware of the responsibilities  
outlined in the program.

Jim Talar  
Signature

1-5-87  
Date

A copy of this agreement must be signed and returned to the  
Principal's Office each year your child attends Fruitvale  
Independent School District.

1. Screen four frequencies at 25 dB HL.
2. Make a check mark for each tone heard.
3. Identify failure to respond with an "F" or "X".
4. Sequence of tone presentation.

Date 1-21-87

5 6789

~~SWEEP CHECK SCREENING TEST~~

Offuttville School

Vision Screening Test

Student Name: Jim Tolar

Date: 1-21-87

Grade: 5

Vision Screening

R 20-20 L 20-20

Glasses worn for testing \_\_\_\_\_

Failed \_\_\_\_\_

Passed /

Referred \_\_\_\_\_

Treated \_\_\_\_\_

GREGORY S. DAVIS  
Assistant District Attorney  
Dallas County, Texas  
Bar No. 054935550

Respectfully submitted,

I. Timberlawn Mental Health System.

entities more than fourteen (14) days prior to the commencement of trial.

The State hereby files self-authenticated business records from the following persons or

I.

Criminal Evidence, and respectfully shows unto the Court the following:

S. Davis, and files this its Notice of Filing of Business Records Pursuant to Rule 902 (10), Rules of

COMES NOW the State of Texas, by and through its Assistant District Attorney, Gregory

TO THE HONORABLE JUDGE OF SAID COURT:

**NOTICE OF FILING OF BUSINESS RECORDS PURSUANT TO RULE 902 (10)**

DALLAS COUNTY, TEXAS

DISTRICT COURT OF

IN THE 19<sup>TH</sup> JUDICIAL

JEDIDIAH ISAAC MURPHY

V.

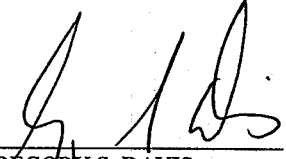
THE STATE OF TEXAS

FILED  
F00-02424-M  
2001 MAY -2 AM 9:51  
JIM N. MILLIN  
DISTRICT CLERK  
DALLAS COUNTY, TEXAS



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing instrument was hand-delivered to  
opposing counsel on the 2nd day of May, 2001.

  
\_\_\_\_\_  
GREGORY S. DAVIS

I am the custodian of the records of Timberlawn Mental Health System. Attached hereto are 78 pages of records from Timberlawn Mental Health System. These said 78 pages of records are kept by Timberlawn Mental Health System in the regular course of business, and it was the regular course of business of Timberlawn Mental Health System for an employee or representative of Timberlawn Mental Health System with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or to transmit information thereof to be included in such record, and the record was made at or near the time or reasonably soon thereafter. The records attached hereto are the original or exact duplicates of the original."

affidavit, and personally acquainted with the facts herein stated:

"My name is Jill Dwyer, I am of sound mind, capable of making this affidavit, who being by me duly sworn, deposed as follows:

BEFORE ME, the undersigned authority, on this day personally appeared Jill Dwyer

STATE OF TEXAS  
COUNTY OF DALLAS

§  
§  
§

AFFIDAVIT

JEDIDIAH ISAAC MURPHY

DALLAS COUNTY, TEXAS

§  
§  
§  
§  
§

DISTRICT COURT OF

IN THE 194<sup>TH</sup> JUDICIAL

THE STATE OF TEXAS

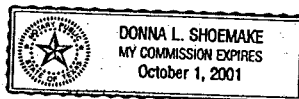
2001 MAY -2 AM 9:52

FILED  
F00-02424-M

JIM HAMILIN  
CLERK  
DALLAS COUNTY, TEXAS

Gail Dargatzis  
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME this 15<sup>th</sup> day of May, 2001, to  
certify which witness my hand and seal of office.



Donna L. Shoemaker  
Notary Public in and for  
Dallas County, Texas

My Commission Expires:  
October 2001

Chart Copy

ADMISSION HISTORY

Dedicated to patient care, education and research since 1917.

**TIMBERLAWN**  
MENTAL HEALTH SYSTEM



NAME: MURPHY, JIM  
MR#: 89018  
UNIT: AP  
ADMIN. DR.: S. Richard Koskos, M.D.  
ADMIT DATE: 10/09/99

**MEDICATION HISTORY:** Current medications include Haldol 5 mg q h.s.; Effexor unknown dosages; Seroquel 100 mg t.i.d.; Depakote 250 mg t.i.d.

Dental exam status: Last dental examination was one and a half months ago.

Immunization status: Unsure

Review of systems: He states that currently he is okay physically.

Serious illnesses: Patient denies.

on both knees in 1996.

**MEDICAL HISTORY:** Past hospitalizations/surgery: He reports numerous surgeries. He states that he was shot in the hand and the lung in the past. He had an appendectomy in 1994. He had arthroscopic surgery

Related Medical/Social/Vocational/Legal Problems: He reports two to three Public Intoxication charges.

History of Withdrawal: He does report a history of tremors and nausea.

**SUBSTANCE ABUSE HISTORY:** He does have a significant history of alcohol use. He used to drink an eighteen pack a day. He did this for four or five years. His last use of alcohol was about two months ago.

**PAST PSYCHIATRIC HISTORY:** As mentioned he is currently followed by Dr. Estabrook at Glen Oaks. He was recently discharged from Glen Oaks earlier this month. He has been involved in drug rehabilitation in the past. He also states that he has been involved in AA, has a sponsor.

Recent stressors include relationship problems and starting a new job next week.

**HISTORY OF PRESENT ILLNESS:** The patient reports a history of bipolar II disorder and dissociative identity disorder. He is currently followed by Dr. Estabrook at Glen Oaks. The patient reports that he has been feeling more depressed and hopeless recently. He reports frequent nightmares. He reports appetite decline with weight loss. His energy has been poor. He states that he wants to stay in bed all the time. He feels like he is oversedated from his medications. He reports increasing dissociative episodes. He reports that one of his alters is very aggressive. He reports auditory hallucinations "all of the time."

**CHIEF COMPLAINT AND IDENTIFYING INFORMATION:** The patient is a 24-year-old single white male who presents stating "I can't go on."

Page 2 of 4

Previous Medication Trials: Ativan and Klonopin.

Medication Allergies: Iodine

**PERSONAL/SOCIAL HISTORY:**

Developmental History: The patient reports normal birth and states that he met developmental milestones on time. He lived with his biologic parents until age five. At age five his father died. He went to a foster home at that point.

Family/Martial History, Social Support Current Living Situation: He is currently living alone. He has never been married. He states that he has a two-year-old daughter. He does report relationship problems. He states that his mother is supportive.

Family Psychiatric History: His father abused alcohol and died of liver cirrhosis. His brother is an alcoholic. His paternal grandparents used alcohol.

Vocational History: He reports that he is currently unemployed. He states that he is suppose to start a new job next week.

Educational History: Graduated from high school.

Spiritual Orientation: States that he is Baptist.

Cultural Issues: The patient denies.

Legal Issues: The patient denies.

Physical/Sexual Abuse: The patient reports that he was sexually abused by his adoptive father from age three to six.

**MENTAL STATUS EXAMINATION:**

1. GENERAL APPEARANCE, BEHAVIOR AND SPEECH: The patient is well-developed, well-nourished appearing. He is casually groomed. He does appear sedated and his speech is mildly slurred. He is cooperative and makes fair eye contact.

2. MOOD AND AFFECT: Mood is "depressed." Affect is congruent.

3. SENSORIUM:

Orientation: He is mildly sedated. He is oriented to person, place, time and situation.

4. GENERAL INTELLECTUAL EVALUATION:

Memory: Immediate, recent and remote memory are fair.



**TIMBERLAWN**  
MENTAL HEALTH SYSTEM

*Dedicated to patient care, education and research since 1917.*

NAME: MURPHY, JIM  
MR#: 89018  
UNIT: AP  
ADMIN. DR.: S. Richard Roskos, M.D.  
ADMIT DATE: 10/09/99

**ADMISSION HISTORY**  
Chart Copy

00647

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**TIMBERLAWN**  
**MENTAL HEALTH SYSTEM**



NAME: MURPHY, JIM  
MR#: 89018  
UNIT: AP  
ADMIN. DR.: S. Richard Roskos, M.D.  
ADMIT DATE: 10/09/99

1 ☐ Discharge and aftercare planning  
**PRELIMINARY TREATMENT PLAN**

**RECOMMENDATIONS**  
Inpatient Hospital Unit: Admit to the Adult Psychiatric Program.

- STRENGTHS/ASSETS**
- 1. ☐ Ability to provide for ADLS
  - 2. ☐ Effectiveness of support system in and beyond immediate family
  - 3. ☐ Motivation for treatment
  - 4. ☐ Readiness to learn

- PROBLEM LIST/JUSTIFICATION FOR ADMISSION:**
- 1. ☐ Impaired reality testing
  - 2. ☐ Diagnostic evaluation, drug therapy or treatment requiring continuous observation
  - 3. ☐ Impaired social, educational, or occupational functioning related to psych diagnosis

- AXIS I.** 1. Bipolar II Disorder, depressed  
2. Dissociative Identity Disorder  
**AXIS II.** Deferred  
**AXIS III.** No Apparent Medical Problems  
**AXIS IV.** Moderate  
**AXIS V.** Current GAF of 30; Highest GAF past year of 45-50

**PROVISIONAL DIAGNOSES:**

Content of Thought: He reports suicidal thoughts with the plan of overdosing. He denies homicidal thoughts. He states that he experiences auditory hallucinations most of the time. He reports a history of visual hallucinations, but none now.

**5. THOUGHT:**  
Flow of Thought: Thought process is logical and goal-directed.

Judgement: Limited  
General Fund of Knowledge: Intelligence is average.


Page 4 of 4

Physical activities: Regular

Follow up medical care: With primary care physician.

Aftercare therapy: The patient has a medication management follow-up appointment scheduled with MHMR for Wednesday, 10-13-99 at 1:00 p.m. with Kin Kaiser in Terrell, Texas.

**PROGNOSIS:** Prognosis is fair.

  
S. Richard Roskos, M.D.

Date Dictated: 11/07/99  
Date Typed: 11/10/99  
Transcriptionist i.d.: jw  
Job #: 2191



NAME: MURPHY, JIM  
MR#: 89018  
UNIT: AP  
ADM. DR.: S. Richard Roskos, M.D.

**DISCHARGE SUMMARY**  
Chart Copy

00649

**TIMBERLAWN**  
**MENTAL HEALTH SYSTEM**  
*Dedicated to patient care, education and research since 1917.*



NAME: MURPHY, JIM  
MR#: 89018  
UNIT: AP  
ADMIN. DR.: S. Richard Roskos, M.D.  
ADMIT DATE: 10/09/99

Chart Copy

ADMISSION HISTORY

00650

Date Dictated: 10/09/99  
Date Typed: 10/11/99  
Transcriptionist i.d.: jw  
Job #: 1238

Jim Althart, M.D.

- ☐ 2 Medical consultation and baseline laboratory studies
- ☐ 3 Stabilize behavior and facilitate rapid diagnosis
- ☐ 4 Psychopharmacologic evaluation and treatment
- ☐ 5 Social/Family assessment
- ☐ 6 Continuous skilled observation in a safe environment



INITIAL EVALUATION  
PART I

(May be completed by QMHP or Physician)

890  
Patient Name Jim Murphy Accompanied By W  
S# 456-71-2610 Date 10-9-97 Time 11:20A

IDENTIFYING INFORMATION AND CHIEF COMPLAINT

48yr old WM - presents with "I can't go on"

HISTORY OF PRESENT ILLNESS

pt reported ↑ depression w/ ↑ hopelessness  
pt reported ↑ SI w/ plan of OD  
pt reported ↓ sleep (4 hrs a night) ↑ nightmares  
pt reported ↓ appetite w/ weight loss  
pt reported ↓ energy - stays in bed all time  
pt reported ↑ dissociative episode - pt black-out for 2 days  
pt reported ↑ suicidality - pt reported one of his personalities is very aggressive - last week - pt had to be restrained  
pt reported ↑ auditory hallucinations "all of the time"

RECENT/REMOTE STRESSORS: relationship problems, to start a new job next week.

PAST PSYCHIATRIC HISTORY

pt dic fr Glenn Oaks 10/6 - where LMC Dr. Estelino  
pt inpt at Glenn Oaks for 30 days - sept 95  
pt reported inpt drug rehab Nov 97-Dec 97 - Oak Haven - Marshall  
pt reported he has been in AA - has a sponsor - must recent 2 mos ago



**TIMBERLAWN**  
MENTAL HEALTH SYSTEM™

Page 1 of 5

Patient Name \_\_\_\_\_  
Attending Physician \_\_\_\_\_  
Date \_\_\_\_\_  
Time \_\_\_\_\_  
NS/MG



Psychiatric		Medical	
Name	Dose/Duration Last Taken	Name	Dose/Duration Last Taken
laddol	15mg qhs 10-9-99	<del>PT Name</del>	<del>10-9-99</del>
valproate	100mg qhs 10-9-99		
gabapentin	100mg tid 10-9-99		

Previous Med Trials: ~~gabapentin, laddol~~

Medication Allergies: ~~laddol~~

MEDICATION HISTORY

TB Screen: ☐ Night Sweats ☐ Productive Cough ☐ Exposure ☐ Hx. of Alcohol/Chemical Abuse

1st Dental Examination: ~~PI reported 1/2 mo ag~~

Immunization Status: ~~PI reported immun up to date~~

Review of Systems: ~~PI reported a w. CK phlegm 7/20/09~~

Past Hospitalizations/Surgeries: ~~PI reported numerous surgeries - most on the hand & lung. PI reported appendectomy - 9/4, orthopedic on 7/20/09~~

Serious Illnesses: ~~PI Name~~

MEDICAL HISTORY

Related Medical/Social/Vocational/Legal Problems: ~~2-3 PT's~~

History of Withdrawal Symptoms: ~~nausea, nausea~~

Substance	Amount/Route	Duration	Last Use
alcohol	18 pack 2 days	2 days	2 days

SUBSTANCE ABUSE HISTORY

INITIAL EVALUATION

PI stated at age 18

## INITIAL EVALUATION

## PERSONAL SOCIAL HISTORY

Development History Pt reported normal birth - met developmental milestones  
 WNL. Pt reported living w/ bio parents until age 5. P (E) died at age 5.  
 Family History, Social Support, Current Living Situation Pt lives alone. 8 marriages. Pt has one daughter - 24 y/o age. Pt SUPPORT: MD  
 Family Psychiatric History (E) - alcohol - died liver cirrhosis (B) - alcoholic paternal (E) parent - alcohol, paternal (U) - alcoholism  
 Vocational History Pt reported currently unemployed - most recent 7/99  
 Educational History Pt reported graduated 11 h.s.  
 Spiritual Orientation Pt reported "Baptist"  
 Cultural Issues Pt denies  
 Legal Issues Pt - denies  
 Physical/Sexual Abuse Pt reported sexual abuse by adoptive P from age 3-6 y/o ☐ Victim ☐ Perpetrator

## MENTAL STATUS EXAMINATION

Appearance, Behavior and Speech Pt appo presented casually dressed. Pt maintained intermittent  
 Mood "depressed" Affect restricted  
 Sensorium  
 Level of Consciousness: mildly drowsy  
 Orientation: Person ✓ Place ✓ Time ✓ Situation ✓  
 Memory: Immediate (digital span) Good  
 Recent (?/3 objects at 5") 3 / 3 & 5  
 Remote (e.g., past presidents) Carter, Nixon, Roosevelt, Clinton  
 Intelligence (estimated by vocabulary, reasoning and insight) average  
 Thought Process clear

Thought Content (Hallucinations, Delusions, S/H Ideation) Pt reported TST w/ plan of OD. Pt denies current or past HI. Pt reported and halluc that talked him. Pt reported visual halluc - saw smoke - two ago  
 Judgement impaired  
 Abstractions (similarities/proverbs) apple/banana - you put them in a bowl



**TIMBERLAWN**  
 MENTAL HEALTH SYSTEM

Patient Name

Attending Physician

MD JIM JIM  
 DR. ROSKOS  
 AP 9-1-75  
 NS/MG

INITIAL EVALUATION

PROBLEM LIST/JUSTIFICATION FOR ADMISSION

Risk Assessment: Harm to Self: Others: 1 High risk: 1 Medium Risk: 2 Low risk: 3

History of Suicide Attempts: Pt AD 11/93

Plan/Mean/Intent: Pt reported current plan of SD

History of Aggressiveness: Pt reported 7 aggressions - no physical

(check all that are appropriate)

1. ☐ Severe behavioral disturbances, psychopathology or disorganized behavior
2. ☐ Runaway or escape behavior
3. ☐ Assaultive behavior
4. ☒ Impaired reality testing
5. ☒ Diagnostic evaluation, drug therapy or treatment requiring continuous observation
6. ☐ Impaired social, educational, or occupational functioning related to psych diagnosis
7. ☐ Alcohol or chemical addiction, abuse or dependence
8. ☐ Legally mandated involuntary admission

STRENGTHS/ASSETS

(check all that are appropriate)

1. ☒ Ability to provide for ADLs
2. ☒ Effectiveness of support system in and beyond immediate family
3. ☒ Motivation for treatment
4. ☐ Stability and support of employment
5. ☐ Educational attainment and intellectual skills
6. ☐ Insight into and judgement regarding current problem/problems
7. ☐ Range of interests in hobbies, sports, arts, music, reading
8. ☐ Functionality of marriage and family system
9. ☒ Readiness to learn

RECOMMENDATIONS

Inpatient Hospital Unit AP

Partial Hospital Unit

Outpatient Services Clinic:

PRELIMINARY TREATMENT PLAN

1. ☒ Discharge and aftercare planning
  2. ☒ Medical consultation and baseline laboratory studies
  3. ☒ Stabilize behavior and facilitate rapid diagnosis
  4. ☒ Psychopharmacologic evaluation and treatment
- ESTIMATED LENGTH OF STAY
5. ☒ Social/Family assessment
  6. ☒ Continuous skilled observation and safe environment
  7. ☐ Medical detoxification

INITIAL EVALUATION  
PART II

(This section MUST be completed by Physician if Patient is Admitted)

Physicians' brief clinical summary, Formulation and Mental Status Exam (Does not need to be completed if physician completed PART I)

24/10 single w/m reports a history of  
Bipolar II disorder and DIO. States he has been  
more depressed - expresses SI E plan to O.P.  
Reports being over-medicated from medication

PROVISIONAL DIAGNOSIS

AXIS I 1) Bipolar II disorder, Depressed  
2) DIO  
3) \_\_\_\_\_

AXIS II depressed

AXIS III 0

AXIS IV (specify) moderate

AXIS V (current) 30 (highest in past year) 45-50

TERMINATION OF PRELIMINARY EXAMINATION

on basis of preliminary examination, I determine that this patient has the symptoms of mental illness and will benefit from hospitalization and admit such as a (circle one) voluntary / involuntary patient.

I found the patient to be factually competent ☒ Yes ☐ No

HP Signature Michael Reddon  
(who completed PART I, if other than physician)

Date 10-9-99

Physician Signature [Signature]

Date 10/9/99



**TIMBERLAWN**  
MENTAL HEALTH SYSTEM™

INITIAL EVALUATION

5 of 5

Patient Name \_\_\_\_\_  
Date 10-9-99  
Attending Physician \_\_\_\_\_  
Unit 303 - ROSKOS  
AP 7-1-75  
NS / MG

00655

Dedicated to patient care, education and research since 1917.

# TIMBERLAWN

## MENTAL HEALTH SYSTEM



NAME: MURPHY, JIM  
MR#: 89018  
UNIT/ROOM#: AP  
ACCT.#:  
ADMIN. DR.: S. Richard Roskos, M.D.  
ADMIT DATE: 10/09/99

**VITAL SIGNS:**  
BLOOD PRESSURE: 124/70  
PULSE: 100 regular  
RESPIRATIONS: Nonlabored  
HEIGHT: 5'9"  
WEIGHT: 136 pounds

**PRESENT ILLNESS:** This is a twenty-four-year-old male, who is admitted for depression. He has no chronic medical problems. His weight is unchanged.

**PAST MEDICAL HISTORY:** Surgical--gunshot wound left hand 1994 with subsequent operations; gunshot wound right lung 1994; appendectomy 1988. Allergies--iodine.

**REVIEW OF SYSTEMS:** Head and neck--grinds his teeth and complains of jaw pain. Cardiorespiratory--no chest pain or shortness of breath. GI--no weight loss. GU--negative.

**GENERAL:** This is a well-developed, well-nourished male in no distress.

**HEENT:** Head was normocephalic, no signs of trauma. Eyes - sclerae clear, pupils are equal, round and reactive. EOMS intact. Ears - TMs clear. Mouth - Tongue in midline, uvula elevates normally, no lesions seen.

**NECK:** Supple, no thyromegaly or nodules. Upstrokes are normal.

**CHEST:** Clear.

**HEART:** S1 and S2 normal. No murmurs, gallops, or clicks.

**ABDOMEN:** Benign, soft, nontender, no masses.

**EXTREMITIES:** No edema, no tremor, pulses intact.

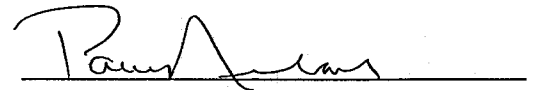
**LYMPHATICS:** No cervical or axillary adenopathy.

Page 2 of 2

**NEUROLOGICAL:** Cranial nerve testing - grossly normal vision, normal extraocular movements, normal muscles of mastication, normal facial symmetry, normal hearing, normal phonation, normal elevation of the uvula, normal trapezius muscle strength, normal tongue movements. Cerebellar testing - Finger-nose-finger normal. Reflex testing is normal, symmetric. No clonus. Hoffmann's absent. Strength testing is normal and gait is normal.

**IMPRESSION:**

1. Normal exam.



Paul Neubach, MD

Date Dictated: 10/10/99  
Date Typed: 10/12/99  
Transcriptionist i.d.: pr  
Job #: 1266



NAME: MURPHY, JIM  
MR#: 89018  
UNIT/ROOM#: AP  
ACCT.#:  
ADMIN. DR.: S. Richard Roskos, M.D.  
ADMIT DATE: 10/09/99

**PHYSICAL EXAM**  
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00657

1-97  
MH-9-117

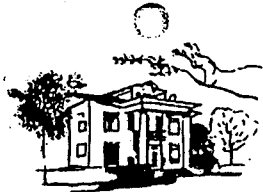
DENTAL STATUS:	
12. Does patient usually wear dentures?	Yes 1 No 0
11. Current problems with teeth and/or dentures	Aware, severe distress 4 Aware, moderate distress 3 Aware, mild distress 2 Aware, no distress 1 No awareness 0
GLOBAL JUDGMENTS:	
10. Patient's awareness of abnormal movements	Severe 4 Moderate 3 Mild 2 Minimal 1 None, normal 0
9. Inappreciation due to abnormal movements	Severe 4 Moderate 3 Mild 2 Minimal 1 None, normal 0
8. Severity of abnormal movements	Severe 4 Moderate 3 Mild 2 Minimal 1 None, normal 0
TRUNK MOVEMENTS:	
7. Neck, shoulders, hips e.g., rocking, twisting, squirming, pelvic gyrations	0 1 2 3 4
6. Lower (legs, knees, ankles, toes) e.g., lateral knee movement, foot tapping, heel dropping, foot squirming, inversion and eversion of foot	0 1 2 3 4
EXTREMITY MOVEMENTS:	
5. Upper (arms, wrists, hands, fingers) Include choreic movements, (i.e., rapid, objectively purposeless, irregular, spontaneous), athetoid movements (i.e., slow, irregular, complex, serpentine). DO NOT include tremor (i.e., repetitive, regular, rhythmic)	0 1 2 3 4
4. Tongue Rate only increase in movements both in and out of mouth. NOT inability to sustain movement	0 1 2 3 4
FACIAL AND ORAL MOVEMENTS:	
3. Jaw e.g., biting, clenching, chewing, mouth opening, lateral movement	0 1 2 3 4
2. Lips and Perioral Area e.g., puckering, pouting, smacking	0 1 2 3 4
1. Muscles of Facial Expression Include frowning, blinking, smiling, grimacing e.g., movements of forehead, eyebrows, periorbital area, cheeks;	0 1 2 3 4
(Circle One)	

INSTRUCTIONS: Complete Examination Procedure (reverse side) before making ratings.  
MOVEMENT RATINGS: Rate highest severity observed.  
Rate movements that occur upon activation one less than those observed spontaneously.  
Code: 0 = None  
1 = Minimal, may be extreme normal  
2 = Mild  
3 = Moderate  
4 = Severe

DEPARTMENT OF HEALTH EDUCATION, AND WELFARE  
PUBLIC HEALTH SERVICE  
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION  
NATIONAL INSTITUTE OF MENTAL HEALTH  
ABNORMAL INVOLUNTARY  
MOVEMENT SCALE  
(AIMS)  
M106301  
M89018  
MURPHY, JIM  
DR. ROSKOS  
AP. 7-1-75  
NS/MO  
10-9-99

ADDRESSOGRAPH





M102-01 10-9-01  
M39018  
MURPHY, JIM  
TIMBERLAWN MENTAL HEALTH SYSTEM  
MEDICAL HISTORY REVIEW QUESTIONNAIRE

NAME: Jedidiah Issac Murphy AGE 24 MARITAL STATUS S  
COMPLETED BY: Leah Ray RELATIONSHIP Friend DATE 10/9/99

## CURRENT MEDICAL CARE:

Are you or have you ever been under the care of a physician for any type of medical problem? If so, please explain.

APPENDICITIS KNEE SURGERY (both knees)  
HAND SURGERY  
LUNG SURGERY  
CHECKUP:

Approximate date of your last checkup: 7-10 days Done for: (Circle) Illness Routine, Work, Insurance  
Name of Doctor: Dr. Esterbrook Address: GLEN OAKS

Included in checkup: (Circle) History, physical, Blood tests, Urine Tests, X-ray, EKG (cardiogram), Pap smear

Date of your last tetanus shot: UNKNOWN

Approximate date of last dental checkup 2 MONTHS Dentist's Name Dr. FREAKER

## MEDICATION:

Please list all medications (prescription and non-prescription) that you currently take and dosage, if known:

DEPAKOTE  
HALDOL  
SEREQUEL

## ALLERGIES:

Please list all medications you are allergic to, including X-ray dye:

Iodine

## HOSPITALIZATIONS AND SURGERY:

List any and all surgeries (problem/year):  
shot - hand, lung - 96  
APENDICITIS - 94  
ORTHOSCOPE - 94

List any other hospitalizations (problem/year):  
GLEN OAKS HOSPITAL 99  
DID

List any other major illnesses you have had (hepatitis, HIV, etc, include date):

NONE

## WEIGHT:

Now unknown One year ago \_\_\_\_\_ Have you had a 10 lb. weight change within the last year? NO

## ALCOHOL AND TOBACCO:

Do you smoke? yes How much? (pack or less) How long? 6 yrs

Do you drink alcohol? (Circle): Never, Less than one drink daily, 1-2 daily, More than 2 daily NONE

Have you ever drunk more heavily than you do now? YES Have you ever taken unprescribed drugs (including "street drugs")? \_\_\_\_\_

If so, specify: \_\_\_\_\_

- |  | YES                                 | NO                                  | EXPLAIN ALL YES ANSWERS |
|--|-------------------------------------|-------------------------------------|-------------------------|
| 1. Have you had any fever in the last week?                            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |                         |
| 2. Do you have frequent headaches? If so, describe what they are like. | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |                         |
| 3. Have you had a recent change in your vision or hearing?             | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |                         |
| 4. Have you ever had numbness, severe muscular weakness?               | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |                         |
| 5. Have you ever had trouble with dizziness?                           | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |                         |

Beverly Turner

OVER

pl

00659

\_\_\_\_\_ Rubella  
\_\_\_\_\_ Mumps  
\_\_\_\_\_ Measles  
\_\_\_\_\_ Polio  
\_\_\_\_\_ DPT or TD  
\_\_\_\_\_ basic series  
\_\_\_\_\_ basic series  
\_\_\_\_\_ boosters  
\_\_\_\_\_ boosters

Give inoculation dates: \_\_\_\_\_

FOR ADOLESCENT AND CHILDREN UNIT PATIENTS:

Recent change in sexual functioning \_\_\_\_\_  
History of venereal disease (herpes, gonorrhea, syphilis, non-specific discharge): Yes sir, big problem!  
Onset of puberty \_\_\_\_\_  
FOR MEN: (If you are uncomfortable answering any of these questions, you may respond later in private with your physician.)

Recent change in sexual functioning \_\_\_\_\_  
Date of last Pap smear \_\_\_\_\_  
History of venereal disease (herpes, gonorrhea, syphilis): \_\_\_\_\_  
Pregnancies: \_\_\_\_\_  
Number \_\_\_\_\_  
Miscarriages \_\_\_\_\_  
Possibility of current pregnancy? (Check): Yes \_\_\_\_\_ No \_\_\_\_\_  
Please Explain \_\_\_\_\_  
Menses: (Please check appropriate boxes) Normal ☐ Heavy ☐ Irregular ☐  
Are you having periods? Yes \_\_\_\_\_ No \_\_\_\_\_  
Date of last normal menstrual period \_\_\_\_\_  
FOR WOMEN: (If you are uncomfortable answering any of these questions, you may respond later in private with your physician.)

19. Have you received any transfusions? \_\_\_\_\_  
18. Do you have any ongoing dental problems? \_\_\_\_\_  
17. Have you had frequent sore throats? \_\_\_\_\_  
16. Have you had frequent ear infections? \_\_\_\_\_  
15. Do you have arthritis? \_\_\_\_\_  
14. Do you have back pain or other back problems? \_\_\_\_\_  
13. Do you have trouble with walking or balance? \_\_\_\_\_  
12. Have you had blackout spells? \_\_\_\_\_  
11. Do you have difficulty or pain in urination, or blood in urine? \_\_\_\_\_  
10. Do you have any abdominal pains, any change in bowel habits, or have you had any rectal bleeding? \_\_\_\_\_  
9. Do you have chest pains, high blood pressure, or any type of heart problems? \_\_\_\_\_  
8. Do you have trouble breathing, a chronic cough, or have you coughed up blood? \_\_\_\_\_  
7. Have you had unusual sensitivity to heat or cold or insensitivity? \_\_\_\_\_  
6. Have you had seizures or fits? \_\_\_\_\_

Yes ☒ No ☐

## PHYSICIAN'S ORDERS

Drug Allergies:

*Iodine*Date  
& TimeAnother brand of drug identical in form  
and content may be dispensed unless checked ☐DO NOT USE THIS SHEET  
UNLESS A RED NUMBER SHOWS → ☐10/19/99  
12:15 PMAdmit to Dr.: *Widows*Program: *AP*Allergies: *iodine*Diet: *Regular*Admission lab as follows: *TSH, CBC & Diff. & Plt Count,**Basic Metabolic Profile, RPR, Hepatic Panel*

H4096699-2

☒ Other labs: *Depakote level* H4096699-2

Observation Status:

☒ Close Observation☐ Suicide Precaution☐ Elopement Precaution☒ Patient may smoke. Withdrawal from nicotine could interfere with  
treatment at this time.

Medications:

- ① *Seroquel 100-2 po q am, 200-2 po q HS*
- ② *Depakote 250-2 po q am, 500-2 po q HS*
- ③ *Effexor 37.5mg po bid*
- ④ *Tylenol 650-2 po q 6<sup>0</sup> prn pain*
- ⑤ *140M 30cc po q 4<sup>0</sup> prn constipation*
- ⑥ *Mylanta Max 30cc po q 4<sup>0</sup> prn indigestion*

If Using Admitting Form, Destroy Second White Copy

Physician Signature:

*[Signature]*TIMBERLAWN  
MENTAL HEALTH SYSTEM

10-7-99

JIM  
KOSKOS  
AP 9-1-75  
MS/AG

00661

PLEASE! USE BALL POINT  
PEN ONLY

YELLOW - PHARMACY COPY

00662

AP 9-1-75  
SOSKOS  
JIN

# TIMBERLAWN

Physician Signature: \_\_\_\_\_

**If Using Admitting Form, Destroy Second White Copy**

— បដិសេធ

Date \_\_\_\_\_

Research

May participate in Memory

10/12/99 @ 008 2nd Order refold  
Mammuthus B/

noted 10/11/79 @ 10:45 found.

22/10/20

7 202 1/2

↑ Sample to 100, 101 (5-1-5)

500/100/100

18/7 Bft av

11/14/99 @ 1000

Amg p.c. 2 lts prs mssm

Notes: 1. Richard P. - 1355 - (Richard)

1.  $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

$\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

$\frac{1}{\sqrt{2}}$

Date \_\_\_\_\_

Another brand of drug identical in form and content may be dispensed unless checked

**DO NOT USE THIS SHEET  
UNLESS A RED NUMBER SHOWS**

## PHYSICIAN'S ORDERS

Drug Allergies: Iodine

## PHYSICIAN'S ORDERS

Drug Allergies:

Date  
& Time

Another brand of drug identical in form  
and content may be dispensed unless checked ☐

DO NOT USE THIS SHEET  
UNLESS A RED NUMBER SHOWS →

1/2/85

*Do not send report / RH*

*Jul Bracken DO  
11/14/99 @ 1400*

If Using Admitting Form, Destroy Second White Copy

Physician Signature:



**TIMBERLAWN**  
MENTAL HEALTH SYSTEM SM

M106501 10-9-99  
M89018  
MURPHY, JIM  
DR. ROSKOS  
AP 9-1-75  
NS/KG

00663

PLEASE! USE BALL POINT  
PEN ONLY

[illegible]



Specimen # 4565730		Control/Number		PAGE #	
Fasting	Micro Source	Total Urine Volume	Report Status		
Date Collected 11-OCT-99	Time Collected	Date Entered 11-OCT-99	Date Reported 12-OCT-99		
Patient ID Number 065011	Patient Phone Number	Patient SSN			
Patient Name MURPHY, BILLY	Sex M	Date of Birth 01-SEP-1975			
Patient Address		DR. ROSKOS			
Comments		Clinical Information: Dallas, TX 75230 Account: 068972-73 TIMBERLAWN INPATIENT SERVICES 4600 SAMUELL BLVD. DALLAS, TX 75220 DR. ROSKOS I 316 J ROUTE: 38972-57993.00			
Tests Requested: HEPATIS FUNCTION PANEL, CMP, HEMATOLOGY PANEL, TSH, THYROID PANEL WITH TSH, CBC WITH DIFFERENTIAL/PLATELET, RPR, Valproic Acid, Serum, VENIPUNCTURE.					
TESTS	RESULT	FLAG	UNITS	REFERENCE INTERVAL	LA
HEMATOLOGY (Continued)					
HEMATOLOGY COMMENT	NOTE				
RBC MORPHOLOGY APPEARS ESSENTIALLY NORMAL.					
PLATELETS APPEAR ADEQUATE					
THYROID TEST(S) *****	*****				
T3 UPTAKE	29		%	24-30	
T4 TOTAL	9.0		MCB/DL	7.5-12.0	
TSH	4.50		MCIU/ML	0.35-5.5	
THE MINIMUM DETECTABLE CONCENTRATION IS 0.03 WHICH IS HIGHLY SENSITIVE.					
VENIPUNCTURE *****	*****				
RPR *****	*****				
RPR	NONREACTIVE			NONREACTIVE	
Valproic Acid, Serum *****	*****				
VALPROIC ACID	104	HIGH	MCB/ML	50-100	
Toxic Range: Greater than 125 mcg/ml					
*** END OF REPORT ***					

LabCorp®

I 316 J  
ROUTE: 38972-57993.00

480

00665

INTERDISCIPLINARY TREATMENT PLAN  
JIMBERLAWN MENTAL HEALTH SYSTEM

Patient Identification  
JIMBERLAWN  
D.R. ROSKOS  
AP 8-1-25

DATE:

DATE:

DATE:

DATE:

OTHER:

LMSS SIGNATURE:

RN SIGNATURE:

PATIENT SIGNATURE:

This Treatment Plan has been developed and reviewed with the patient and/or family member.

PATIENT / FAMILY INVOLVEMENT

PHYSICIAN APPROVAL OF TREATMENT PLAN:

DATE:

Estimated Length of Stay:

Other

Referrals indicated:

- ☐ Mental Health Center (Circle A applicable)
- ☐ Outpatient Therapy with attending M.D. or AHP or
- ☐ Attend 12-step Recovery Group
- ☐ Attend PHP/IOP
- ☐ Attend aftercare/Continuing Care Group
- ☐ Return to previous work or school arrangement
- ☐ Participate in Family Therapy
- ☐ Placement in alternative living arrangements
- ☐ Return to previous living arrangement

for complete details

PRELIMINARY DISCHARGE PLAN: (see psychosocial form)

PSYCHARGE CRITERIA: (as supported by clinical data)

TO BE COMPLETED BY TREATMENT TEAM:

TO BE COMPLETED BY TREATMENT TEAM:

PROBLEM LIST	TO BE ADDRESSED	DEFERRED	PROBLEM LIST	TO BE ADDRESSED	DEFERRED
1. Depressed			3.		
2. Bipolar			4.		
Active					

DIAGNOSES

AXIS I: Bipolar II

AXIS II: Depressed

AXIS III: None

AXIS IV: None

AXIS V: 30/60

PATIENTS ASSETS/STRENGTHS

- ☐ Physical Health
- ☐ Active Sense of Humor
- ☐ Ability for Insight
- ☐ Communication
- ☐ Financial Means
- ☐ Special Hobby/Interest
- ☐ Other

PATIENTS STRESSORS/WEAKNESSES

- ☐ Loss (of Whom or What)
- ☐ Legal Issue
- ☐ Marital or Family Conflict
- ☐ Financial Difficulties
- ☐ Traumatic Event
- ☐ Educational Concerns

PATIENTS STRESSORS/WEAKNESSES

- ☐ Substance Abuse
- ☐ Medication Change or Non-Compliance
- ☐ Occupational Concerns
- ☐ Health Problems
- ☐ Other

DATE OF ADMISSION: 10-9-99

CARE PLAN FORMULATED BY: TX Team

DATE: 10-9-99

PROGRAM: AP

Interdisciplinary Treatment Plan



## Interdisciplinary Treatment Plan

PROBLEM: M102501 10-9-75 *Bipolar depressed* PROBLEM #: 1

MURPHY, JIM

As manifested by DR. RJSKOS  
7-1-75

## SHORT-TERM GOALS:

Date	Goals	Target Date	Date Resolved	Intervention	Frequency	Staff Initiating Intervention	Discipline
10 9 99	Pt's mood will stabilize prior to D/C			① initiate precautions ② meds per order ③ encourage group attendance and participation ④ Teach alternate coping skills			

**TIMBERLAWN**  
MENTAL HEALTH SYSTEM<sup>SM</sup>

Treatment Plan - Problem Sheet

Patient Identification

00667

TIMBERLAWN MENTAL HEALTH SYSTEM<sup>SM</sup>



# CONSENT TO TREATMENT WITH PSYCHOACTIVE MEDICATION

The individual Jim Murphy, being served at TMS (Facility), on: 10/9/99 (Date),  
has received a complete explanation of: antipsychotics (Class)  
Name of Medication or Medication Group (Class)

The explanation was given to the individual in simple, nontechnical language and included:  
Indicate Accomplishment by a checkmark

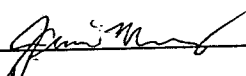
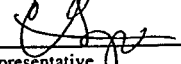
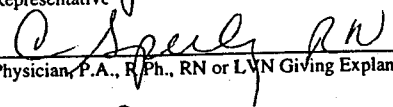
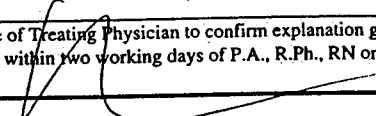
1) The nature of his/her mental and physical condition.	<input checked="" type="checkbox"/>
2) The expected beneficial effects on his/her condition as a result of treatment with the medication (s).	<input checked="" type="checkbox"/>
3) The probable health and mental health consequences of not taking medication, including the occurrence, increase or recurrence of symptoms of mental illness.	<input checked="" type="checkbox"/>
4) The existence of generally accepted alternative forms of treatment, if any, that could reasonably be expected to achieve the same benefits as the medication(s) and why the physician rejects the alternative treatment.	<input checked="" type="checkbox"/>
5) A description of the proposed course of treatment with the medication(s).	<input checked="" type="checkbox"/>
6) The fact that side effects of varying degrees of severity are a risk of all medications.	<input checked="" type="checkbox"/>
7) The relevant side effects of the medication(s) being prescribed are explained, including: (A) any side effects which are known to frequently occur in most individuals; (B) any side effects to which the individual may be predisposed; and (C) the nature and possible occurrence of the potentially irreversible symptoms of tardive dyskinesia in some individuals taking neuroleptic medication in large dosages and/or over long periods of time.	<input checked="" type="checkbox"/>
8) The need to advise staff immediately if any of these side effects occur.	<input checked="" type="checkbox"/>
9) An instruction that the individual may withdraw consent at any time without negative actions on the part of the staff.	<input checked="" type="checkbox"/>
10) A review of Patients' Rights Under the Consent to Treatment with Psychoactive Medication Rule (See MHRS 9-7.1)	<input checked="" type="checkbox"/>
11) An offer to answer any questions concerning this treatment.	<input checked="" type="checkbox"/>

I have received a complete explanation of the psychoactive medication(s) by means of:  
(Circle those appropriate)  
oral explanation ☒ written explanation ☒ video presentation ☒ other: \_\_\_\_\_ (specify)

**CONSENT TO TREATMENT WITH PSYCHOACTIVE MEDICATION**

I have also received the Consent to Treatment with Psychoactive Medication information Sheet (MHRS 9-7.1) and the printed material which summarizes specific information regarding the psychoactive medication(s) for which I have given my consent.

Based upon this explanation, I hereby consent to treatment with a specific psychoactive medication or medication group (class) as indicated on the front of this form. I understand that I may withdraw this consent at any time, however a probate court may decide that I lack the capacity to make the decisions whether or not to take the medication(s) and decide that I must continue taking the psychoactive medication prescribed by my physician.

Patient		10-12-99	Date
Representative			Date
Physician, P.A., R.Ph., RN or LVN Giving Explanation	 RN	10-12-99	Date
Position			Date
Signature of Treating Physician to confirm explanation given by P.A., R.Ph., RN or LVN required within two working days of P.A., R.Ph., RN or LVN giving explanation)			Date

**CONSENT FOR TREATMENT INVOLVING A MINOR:**

If this consent is for treatment of a minor under Section 35.01, Texas Family Code, the following information must be provided:

- a) Name of one or both parents, if known: \_\_\_\_\_
- b) Name of legally authorized representative of person, if appointed: \_\_\_\_\_
- c) Date on which treatment is to begin: \_\_\_\_\_ **CONSENT GIVEN BY PHONE DATE:** \_\_\_\_\_ **TIME:** \_\_\_\_\_

**WITHDRAWAL OF CONSENT FOR MEDICATION:**

I formally withdraw my consent for \_\_\_\_\_  
(Name of Psychoactive Medication or Medication Group)

Patient Signature

Date

Witness

Date

00669

MHRS 9-7 (back)

I have received a complete explanation of the psychoactive medication(s) by means of:

<input checked="" type="checkbox"/>	1) The nature of his/her mental and physical condition.
<input checked="" type="checkbox"/>	2) The expected beneficial effects on his/her condition as a result of treatment with the medication (s).
<input checked="" type="checkbox"/>	3) The probable health and mental health consequences of not taking medication, including the occurrence, increase or reoccurrence of symptoms of mental illness.
<input checked="" type="checkbox"/>	4) The existence of generally accepted alternative forms of treatment, if any, that could reasonably be expected to achieve the same benefits as the medication(s) and why the physician rejects the alternative treatment.
<input checked="" type="checkbox"/>	5) A description of the proposed course of treatment with the medication(s).
<input checked="" type="checkbox"/>	6) The fact that side effects of varying degrees of severity are a risk of all medications.
<input checked="" type="checkbox"/>	7) The relevant side effects of the medication(s) being prescribed are explained, including: (A) any side effects which are known to frequently occur in most individuals; (B) any side effects to which the individual may be predisposed; and (C) the nature and possible occurrence of the potentially irreversible symptoms of tardive dyskinesia in some individuals taking neuroleptic medication in large dosages and/or over long periods of time.
<input checked="" type="checkbox"/>	8) The need to advise staff immediately if any of these side effects occur.
<input checked="" type="checkbox"/>	9) An instruction that the individual may withdraw consent at any time without negative actions on the part of the staff.
<input checked="" type="checkbox"/>	10) A review of Patients' Rights Under the Consent to Treatment with Psychoactive Medication Rule (See MHRs 9-7.1)
<input checked="" type="checkbox"/>	11) An offer to answer any questions concerning this treatment.

The explanation was given to the individual in simple, nontechnical language and included:

Name of Medication or Medication Group (Class)

has received a complete explanation of: Antidepressants

The individual Jim Murphy, being served at TJMS on 10/9/99 (Date)

CONSENT TO TREATMENT WITH PSYCHOACTIVE MEDICATION

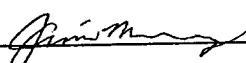
TIMBERLAWN MENTAL HEALTH SYSTEM<sup>SM</sup>

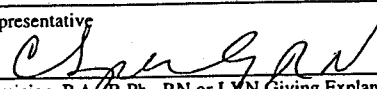


**CONSENT TO TREATMENT WITH PSYCHOACTIVE MEDICATION**

I have also received the Consent to Treatment with Psychoactive Medication information Sheet (MHRS 9-7.1) and the printed material which summarizes specific information regarding the psychoactive medication(s) for which I have given my consent.

Based upon this explanation, I hereby consent to treatment with a specific psychoactive medication or medication group (class) as indicated on the front of this form. I understand that I may withdraw this consent at any time, however a probate court may decide that I lack the capacity to make the decisions whether or not to take the medication(s) and decide that I must continue taking the psychoactive medication prescribed by my physician.

Patient  Date 10-12-95

Representative  Relationship to Patient \_\_\_\_\_ Date 10-12-95  
Physician, P.A., R.Ph., RN or LVN Giving Explanation Position \_\_\_\_\_ Date \_\_\_\_\_

Signature of Treating Physician to confirm explanation given by P.A., R.Ph., RN or LVN (required within two working days of P.A., R.Ph., RN or LVN giving explanation) \_\_\_\_\_ Date \_\_\_\_\_

**CONSENT FOR TREATMENT INVOLVING A MINOR:**

If this consent is for treatment of a minor under Section 35.01, Texas Family Code, the following information must be provided:

- a) Name of one or both parents, if known: \_\_\_\_\_
- b) Name of legally authorized representative of person, if appointed: \_\_\_\_\_
- c) Date on which treatment is to begin: \_\_\_\_\_ **CONSENT GIVEN BY PHONE DATE: \_\_\_\_\_ TIME: \_\_\_\_\_**

**WITHDRAWAL OF CONSENT FOR MEDICATION:**

I formally withdraw my consent for \_\_\_\_\_  
(Name of Psychoactive Medication or Medication Group)

Patient Signature

Date

Witness

Date

I have received a complete explanation of the psychoactive medication(s) by means of:

<input checked="" type="checkbox"/>	1) The nature of his/her mental and physical condition.
<input checked="" type="checkbox"/>	2) The expected beneficial effects on his/her condition as a result of treatment with the medication (s).
<input checked="" type="checkbox"/>	3) The probable health and mental health consequences of not taking medication, including the occurrence, increase or recurrence of symptoms of mental illness.
<input checked="" type="checkbox"/>	4) The existence of generally accepted alternative forms of treatment, if any, that could reasonably be expected to achieve the same benefits as the medication(s) and why the physician rejects the alternative treatment.
<input checked="" type="checkbox"/>	5) A description of the proposed course of treatment with the medication(s).
<input checked="" type="checkbox"/>	6) The fact that side effects of varying degrees of severity are a risk of all medications.
<input checked="" type="checkbox"/>	7) The relevant side effects of the medication(s) being prescribed are explained, including: (A) any side effects which are known to frequently occur in most individuals; (B) any side effects to which the individual may be predisposed; and (C) the nature and possible occurrence of the potentially irreversible symptoms of tardive dyskinesia in some individuals taking neuroleptic medication in large dosages and/or over long periods of time.
<input checked="" type="checkbox"/>	8) The need to advise staff immediately if any of these side effects occur.
<input checked="" type="checkbox"/>	9) An instruction that the individual may withdraw consent at any time without negative actions on the part of the staff.
<input checked="" type="checkbox"/>	10) A review of Patients' Rights Under the Consent to Treatment with Psychoactive Medication Rule (See MHRs 9-7.1)
<input checked="" type="checkbox"/>	11) An offer to answer any questions concerning this treatment.

The explanation was given to the individual in simple, nontechnical language and included:

Indicate Accomplishment by a check mark

The individual Jim Murphy, being served at TMHs, on 10/9/99, has received a complete explanation of: Mood Stabilizers  
 Name of Medication or Medication Group (Class)  
 (Date) (Facility)

# CONSENT TO TREATMENT WITH PSYCHOACTIVE MEDICATION

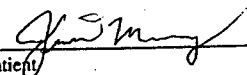
TIMBERLAWN MENTAL HEALTH SYSTEM<sup>SM</sup>

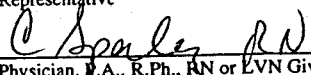


**CONSENT TO TREATMENT WITH PSYCHOACTIVE MEDICATION**

I have also received the Consent to Treatment with Psychoactive Medication information Sheet (MHRS 9-7.1) and the printed material which summarizes specific information regarding the psychoactive medication(s) for which I have given my consent.

Based upon this explanation, I hereby consent to treatment with a specific psychoactive medication or medication group (class) as indicated on the front of this form. I understand that I may withdraw this consent at any time, however a probate court may decide that I lack the capacity to make the decisions whether or not to take the medication(s) and decide that I must continue taking the psychoactive medication prescribed by my physician.


10-12-95  
 Patient \_\_\_\_\_ Date \_\_\_\_\_

Representative \_\_\_\_\_ Relationship to Patient \_\_\_\_\_ Date \_\_\_\_\_  

10-12-95  
 Physician, P.A., R.Ph., RN or LVN Giving Explanation \_\_\_\_\_ Position \_\_\_\_\_ Date \_\_\_\_\_

Signature of Treating Physician to confirm explanation given by P.A., R.Ph., RN or LVN \_\_\_\_\_ Date \_\_\_\_\_  
 (required within two working days of P.A., R.Ph., RN or LVN giving explanation)

**CONSENT FOR TREATMENT INVOLVING A MINOR:**

If this consent is for treatment of a minor under Section 35.01, Texas Family Code, the following information must be provided:

- a) Name of one or both parents, if known: \_\_\_\_\_
- b) Name of legally authorized representative of person, if appointed: \_\_\_\_\_
- c) Date on which treatment is to begin: \_\_\_\_\_ **CONSENT GIVEN BY PHONE DATE:** \_\_\_\_\_ **TIME:** \_\_\_\_\_

**WITHDRAWAL OF CONSENT FOR MEDICATION:**

I formally withdraw my consent for \_\_\_\_\_  
 (Name of Psychoactive Medication or Medication Group)

Patient Signature \_\_\_\_\_ Date \_\_\_\_\_
 Witness \_\_\_\_\_ Date \_\_\_\_\_



I have received a complete explanation of the psychoactive medication(s) by means of:

11) An offer to answer any questions concerning this treatment.	
10) A review of Patients' Rights Under the Consent to Treatment with Psychoactive Medication Rule (See MHRS 9-7.1)	
9) An instruction that the individual may withdraw consent at any time without negative actions on the part of the staff.	
8) The need to advise staff immediately if any of these side effects occur.	
(C) the nature and possible occurrence of the potentially irreversible symptoms of tardive dyskinesia in some individuals taking neuroleptic medication in large dosages and/or over long periods of time.	
(B) any side effects to which the individual may be predisposed; and	
(A) any side effects which are known to frequently occur in most individuals;	
7) The relevant side effects of the medication(s) being prescribed are explained, including:	
6) The fact that side effects of varying degrees of severity are a risk of all medications.	
5) A description of the proposed course of treatment with the medication(s).	
4) The existence of generally accepted alternative forms of treatment, if any, that could reasonably be expected to achieve the same benefits as the medication(s) and why the physician rejects the alternative treatment.	
3) The probable health and mental health consequences of not taking medication, including the occurrence, increase or reoccurrence of symptoms of mental illness.	
2) The expected beneficial effects on his/her condition as a result of treatment with the medication (s).	
1) The nature of his/her mental and physical condition.	
The explanation was given to the individual in simple, non-technical language and included:	
Indicate Accomplishment by a check mark	

has received a complete explanation of:

*AT Benzodiazepine*  
(Facility)

The individual *Murphy, J. in*, being served at

*TMHS*

on: *10/12/99*  
(Date)

CONSENT TO TREATMENT WITH PSYCHOACTIVE MEDICATION

TIMBERLAWN MENTAL HEALTH SYSTEM<sup>SM</sup>





**CONSENT TO TREATMENT WITH PSYCHOACTIVE MEDICATION**

I have also received the Consent to Treatment with Psychoactive Medication information Sheet (MHRS 9-7.1) and the printed material which summarizes specific information regarding the psychoactive medication(s) for which I have given my consent.

Based upon this explanation, I hereby consent to treatment with a specific psychoactive medication or medication group (class) as indicated on the front of this form. I understand that I may withdraw this consent at any time, however a probate court may decide that I lack the capacity to make the decisions whether or not to take the medication(s) and decide that I must continue taking the psychoactive medication prescribed by my physician.

X [Signature] 10/10/89  
Patient Date

[Signature] 10/10/89  
Representative Relationship to Patient Date  
Physician, P.A., R.Ph., RN or LVN Giving Explanation Position Date

[Signature] 10/10/89  
Signature of Treating Physician to confirm explanation given by P.A., R.Ph., RN or LVN Date  
(required within two working days of P.A., R.Ph., RN or LVN giving explanation)

**CONSENT FOR TREATMENT INVOLVING A MINOR:**

If this consent is for treatment of a minor under Section 35.01, Texas Family Code, the following information must be provided:

- a) Name of one or both parents, if known: \_\_\_\_\_
- b) Name of legally authorized representative of person, if appointed: \_\_\_\_\_
- c) Date on which treatment is to begin: \_\_\_\_\_ CONSENT GIVEN BY PHONE DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

**WITHDRAWAL OF CONSENT FOR MEDICATION:**

I formally withdraw my consent for \_\_\_\_\_  
(Name of Psychoactive Medication or Medication Group)

Patient Signature

Date

Witness

Date

00675

MHRS 9-7 (back)

I have received a complete explanation of the psychoactive medication(s) by means of:

<input checked="" type="checkbox"/>	1) The nature of his/her mental and physical condition.
<input checked="" type="checkbox"/>	2) The expected beneficial effects on his/her condition as a result of treatment with the medication (s).
<input checked="" type="checkbox"/>	3) The probable health and mental health consequences of not taking medication, including the occurrence, increase or recurrence of symptoms of mental illness.
<input checked="" type="checkbox"/>	4) The existence of generally accepted alternative forms of treatment, if any, that could reasonably be expected to achieve the same benefits as the medication(s) and why the physician rejects the alternative treatment.
<input checked="" type="checkbox"/>	5) A description of the proposed course of treatment with the medication(s).
<input checked="" type="checkbox"/>	6) The fact that side effects of varying degrees of severity are a risk of all medications.
<input checked="" type="checkbox"/>	7) The relevant side effects of the medication(s) being prescribed are explained, including: (A) any side effects which are known to frequently occur in most individuals; (B) any side effects to which the individual may be predisposed; and (C) the nature and possible occurrence of the potentially irreversible symptoms of tardive dyskinesia in some individuals taking neuroleptic medication in large dosages and/or over long periods of time.
<input checked="" type="checkbox"/>	8) The need to advise staff immediately if any of these side effects occur.
<input checked="" type="checkbox"/>	9) An instruction that the individual may withdraw consent at any time without negative actions on the part of the staff.
<input checked="" type="checkbox"/>	10) A review of Patients' Rights Under the Consent to Treatment with Psychoactive Medication Rule (See MHRS 9-7.1)
<input checked="" type="checkbox"/>	11) An offer to answer any questions concerning this treatment.

Name of Medication or Medication Group (Class)

has received a complete explanation of: Benzydolapipran

The individual Tim Murphy, being served at TmHS (Facility), on: 10/12/99 (Date)

CONSENT TO TREATMENT WITH PSYCHOACTIVE MEDICATION

TIMBERLAWN MENTAL HEALTH SYSTEM<sup>SM</sup>



**CONSENT TO TREATMENT WITH PSYCHOACTIVE MEDICATION**

I have also received the Consent to Treatment with Psychoactive Medication information Sheet (MHRS 9-7.1) and the printed material which summarizes specific information regarding the psychoactive medication(s) for which I have given my consent.

Based upon this explanation, I hereby consent to treatment with a specific psychoactive medication or medication group (class) as indicated on the front of this form. I understand that I may withdraw this consent at any time, however a probate court may decide that I lack the capacity to make the decisions whether or not to take the medication(s) and decide that I must continue taking the psychoactive medication prescribed by my physician.

*Janis M. [Signature]* 10/12/99  
Patient Date

*[Signature]* 10/12/99  
Representative Relationship to Patient Date  
Physician, P.A., R.Ph., RN or LVN Giving Explanation Position

*[Signature]* 10/12/99  
Signature of Treating Physician to confirm explanation given by P.A., R.Ph., RN or LVN Date  
(required within two working days of P.A., R.Ph., RN or LVN giving explanation)

**CONSENT FOR TREATMENT INVOLVING A MINOR:**

If this consent is for treatment of a minor under Section 35.01, Texas Family Code, the following information must be provided:

- a) Name of one or both parents, if known: \_\_\_\_\_
- b) Name of legally authorized representative of person, if appointed: \_\_\_\_\_
- c) Date on which treatment is to begin: \_\_\_\_\_ **CONSENT GIVEN BY PHONE DATE: \_\_\_\_\_ TIME: \_\_\_\_\_**

**WITHDRAWAL OF CONSENT FOR MEDICATION:**

I formally withdraw my consent for \_\_\_\_\_  
(Name of Psychoactive Medication or Medication Group)

Patient Signature

Date

Witness

Date



7445

C L E R K ' S R E C O R D

Volume FOUR of FOUR

Trial Court Cause Number F00-02424-NM

In the JUDICIAL District Court #194

of Dallas County, Texas,

Honorable H. ENTZ, Judge Presiding.

THE STATE OF TEXAS, Plaintiff

vs.

JEDIDIAH ISAAC MURPHY, Defendant

FILED IN  
COURT OF CRIMINAL APPEALS

NOV 05 2001

Troy C. Bennett, Jr., Clerk

Appealed to the  
Court of Criminal Appeals of Texas at Austin, Texas,  
or Court of Appeals for the \_\_\_\_\_ District of Texas, at \_\_\_\_\_, Texas.

Attorney for Appellant

Name ADAM SEIDEL

Address CHATEAU PLAZA, STE 1400, 2515 MCKINNEY AVE, DLS, TX 75201

Telephone No. 214-237-0835

Fax No. 214-237-0901

SBOT No. 17999290

Attorney for: JEDIDIAH ISAAC MURPHY

Delivered to the Court of Criminal Appeals of Texas at Austin, Texas,  
or Court of Appeals for the \_\_\_\_\_ District of Texas, at \_\_\_\_\_, Texas.  
on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

signature of clerk \_\_\_\_\_

name of clerk \_\_\_\_\_

title \_\_\_\_\_

Appellate Court Cause No. \_\_\_\_\_

Filed in the Court of Criminal Appeals of Texas at Austin, Texas,  
or Court of Appeals for the \_\_\_\_\_ District of Texas, at \_\_\_\_\_, Texas,  
this 25TH day of OCTOBER, 2001.

JIM HAMLIN, DALLAS COUNTY DISTRICT CLERK

By JANE MILLER, Deputy

FORM 355A

JEDIDIAH ISAAC MURPHY

CAUSE NO. F00-02424-NM

VS:

IN THE 194TH JUDICIAL DISTRICT

THE STATE OF TEXAS

COURT OF DALLAS COUNTY, TEXAS

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FILED  
F00-02424-M  
2010 DEC 12 AM 9:23

THE STATE OF TEXAS

JIM HOMLIN  
DISTRICT CLERK IN THE 194<sup>TH</sup> JUDICIAL  
DALLAS CO TEXAS  
DEPUTY

V.

§ DISTRICT COURT OF

JEDIDIAH ISAAC MURPHY

§  
§  
§  
§ DALLAS COUNTY, TEXAS

**NOTICE OF FILING OF BUSINESS RECORDS PURSUANT TO RULE 902 (10)**

TO THE HONORABLE JUDGE OF SAID COURT:

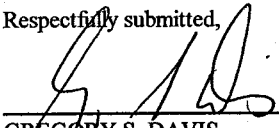
COMES NOW the State of Texas, by and through its Assistant District Attorney, Gregory S. Davis, and files this its Notice of Filing of Business Records Pursuant to Rule 902 (10), Rules of Criminal Evidence, and respectfully shows unto the Court the following:

I.

The State hereby files self-authenticated business records from the following persons or entities more than fourteen (14) days prior to the commencement of trial:

1. Glen Oaks Hospital.
2. Medical Center of Arlington.
3. Medical Center at Terrell.
4. Oak Haven Recovery Center.
5. Texas Orthopaedic Associates.


Respectfully submitted,

  
GREGORY S. DAVIS  
Assistant District Attorney  
Dallas County, Texas  
Bar No. 05493550

00725

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing instrument was hand-delivered to  
opposing counsel on the 12th day of December, 2000.

  
\_\_\_\_\_  
GREGORY S. DAVIS



F00-02424-M

THE STATE OF TEXAS	§	IN THE 194 <sup>TH</sup> JUDICIAL
	§	
	§	
V.	§	DISTRICT COURT OF
	§	
JEDIDIAH ISAAC MURPHY	§	DALLAS COUNTY, TEXAS

**STATE'S PRODUCTION OF DOCUMENTS**

TO THE HONORABLE JUDGE OF SAID COURT:

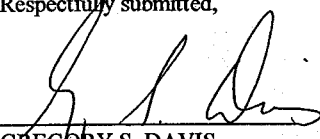
COMES NOW the State of Texas by and through her Assistant District Attorney, Gregory S. Davis, and respectfully shows:

I.

The State of Texas has on the 13th day of March, 2001, hand-delivered to opposing counsel the following documents attached hereto:

1. J.C. Penney Videotape (10-4-00).
2. Chachos Videotape (10-5-00).
3. Texas Department of Public Safety Report (12-8-00).
4. Texas Department of Public Safety Report (2/27/01).
5. Arlington Police Department Lineup (11/3/00).

Respectfully submitted,

  
GREGORY S. DAVIS  
Assistant District Attorney  
Dallas County, Texas  
Bar No. 05493550

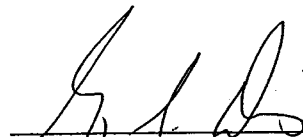
FILED

2001 MAR 13 PM 1:33

JUSTICE CLERK  
DALLAS COUNTY, TEXAS

CERTIFICATE OF SERVICE

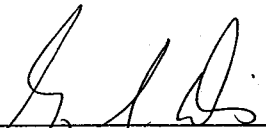
I HEREBY CERTIFY that a true copy of the foregoing instrument was hand-delivered to  
opposing counsel on the 13th day of March, 2001.

  
GREGORY S. DAVIS



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing instrument was hand-delivered to opposing counsel on the 20th day of March, 2001.

  
\_\_\_\_\_  
GREGORY S. DAVIS

Printed at: 10/13/2000 14:11



**Incident / Investigation Report**

*Garland Police Department*

OCA: 2000R030905

**Officer's Supplement**

Officer (1582) MYERS, M J

Date / Time Reported WE Oct 4, 2000

20:00

**THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY**

THE COMPLAINANT, BERTIE LEE CUNNINGHAM, WAS REPORTED AS A MISSING PERSON UNDER CALL FOR SERVICE 121188, CASE ID R030225.

SC

**Incident / Investigation Report**

*Garland Police Department*

OCA: 2000R030905

**Additional Officer Supplements**

**THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY**

Officer (1582) MYERS, M J

Supplement Type: Witness Interview :

Date / Time 10/4/2000 20:00

DURING THE COURSE OF THE INVESTIGATION, THE COMPLAINANT WAS FOUND DECEASED IN VAN ZANDT COUNTY. THE DALLAS COUNTY MEDICAL EXAMINER RULED THE DEATH A HOMICIDE. JEDIDIAH ISAAC MURPHY WAS DEVELOPED AS A SUSPECT IN THE ABDUCTION OF THE COMPLAINANT. IT WAS DETERMINED THE COMPLAINANT WAS KILLED IN DALLAS COUNTY. THE SUSPECT HAS SIGNED A VOLUNTARY WRITTEN STATEMENT AND WILL BE FILED ON FOR CAPITAL MURDER.



Myers, Matt

---

To: Mowery, John  
Cc: Thompson, Keith  
Subject: BERTIE CUNNINGHAM

JOHN: LET ME KNOW WHEN YOU GUYS ARE DONE PROCESSING THE CAR AND ITS CONTENTS AND BERTIE'S PURSE AND ITS CONTENTS. I WOULD LIKE TO GO THROUGH BOTH. I'M STILL LOOKING FOR ANY CLUE THAT MIGHT TELL US WHERE SHE STOPPED AFTER SHE LEFT THE MALL.

*Det  
myers*

Joel -

JERRY CONNER 8-23-50  
602 HUNTINGTON CT.  
GRAPEVINE 817-4884781  
W-9-8309005

— BIRDY LEE CUNNINGHAM 12-31-1919  
504-150 - GRAY & HAZEL  
2749 LAUREL OAK  
9-5307987  
PRINT BLOUSE + LAVENDER SLACKS - AND ORANGE

AIRED SISTER  
AT 2:30 + SAID  
HE WAS GOING  
TO THE MALL

LEFT HOUSE AT 2:30 P TO GO TO  
COLLIN CREEK MALL + MADE PURCHASE AT 4PM  
UNK. STORE -

JUST PRIOR TO 6<sup>45</sup>PM - W/M 25 BLOND HAIR - THIN -  
GLASSES + RED CAP W/ 2 YOUNG GIRLS  
PURCHASE 2 GO PEDS 1700<sup>00</sup> FROM RICHARDSON  
MOTOR SPORTS - + HE LEFT IN A SILVER CAR

— COMP. DRIVES SILVER HONDA (96) YLD94Y

—  
SISTER - EVELYN OR MARY SHELTON  
3119 BIL EAKS  
9-4148153

JAY - 2073

BIRDY CUNNINGHAM  
2749 LAUREL OAKS  
9-5307987

EVELYN SHELTON  
3119 BIL OAKS  
9-4148153

OTACR CARD - FRANCIS CONNER - SISTER

NEPHEW - JERRY CONNER  
817-4884781  
W-9-8309005

7618 CREEKWOOD

WANDA CURRY

J.C. PENNY & DILLARDS

FRANCIS CONNER  
8917 WESTGLEN DR

817 4783559  
FT. WORTH P.D. CALLED & GAVE  
THIS NAME & # OF LADY  
WHICH THOUGHT SHE SAW THE  
HONDA IN FT. WORTH  
ON 12-5-00

00737

(~~9-5516699~~  
~~APOLLO JR. HIGH~~)

~~9-2386770~~ >  
APOLLO JR. HIGH

3207 PARKRISE CT. GARLAND

~~9-2023~~ 2023 PORTSMOUTH RICHARDSON

JOB IN KEY WEST AS UNDERWATER WELDER

<sup>SONOBLINER</sup>  
CHUCK SPOKE TO SUSP. YESTERDAY 11AM ON PHONE &  
HE WAS DEPRESSED

FRIEND IN FLA.

9-8164591 - WILKS POINT OFCR. <sup>OCT.</sup> LEE

~~9-2883062 OCT WARD 2166290~~

1996 ADDRESS 6305 FM 429  
LAUFMAN, TX 75142

JEDIDIAH

589-140  
BEN-BEN

~~CHRISTIA VEGA~~

J. ISAAC MURPHY  
726 N. EAST FRANK  
TERRELL 75742

w-m-9-1-75

GO PEGS & HONDA ACCORD

S/N HB25701 - GO PEG LIQUIMATIC YELLOW  
GO PEG STARKS → T 40965 RED  
T 39669 BLUE

TERRELL P.D. - 983972 5243099  
TERRELL - JOHNS -

96 ARREST FOR MARIJUANA - TERRELL, TX.  
98 REPORT  
98 ARREST PHONE HARASSMENT

LAUFMAN CO. 9 9324331 4337  
CAPT. STARKS - SGT. MCMCGREGOR

~~TERRELL~~

SGT ZEPEDA

214 4575049

CALL WHEN

00739

5389235

Yellow CAB ON 10-5-00 - BARCLAY TO BAR

NOT IN ONE WEEKEND

2-SHOTS - CALLED HIMSELF JIM 1:30-2P

KENNETH CLANCE W-M-2-18-76

2509 LORION #12202

GARLAND 75044

H-9-414 4735 W-9-4952991

GOING TO FLORIDA

→ BAR TENDER AT DEACHERS -

cell - 972 816 8287

Discover Credit Card - 6011 0080 5062 7147

1558 JC Penney's

Francis Conner - sister 6011 0085 3069 7534

Bertie Cunningham - missing -

DET MINTON  
DET WOOD  
PLANO P.D.

Penney's - 5:58 PM 10-4-00 32.

Dillard's - ~~2:55~~ 2:55 PM 10-4-00 46.

10-5-00 Met Matt Tollefsen - Loss Prev. Mgr - (972) 578-8606 x 220

1420 hrs Pull-in info on credit charge - having to turn through Home Office.

1440 Found Receipt for 32.33 2:55 PM on Francis Conner

charge in catalogue - Button Down Fleece Robe - Royal Blue

1445 Met in catalogue w/ clerk ~~not~~ finding purchase

Patrick Joseph Lark W/M 8-5-59

800 DUMONT DR.

RICHARDSON, TX 75062

(972) 235-6498 (H/M) No cell, MGR

(972) 578-8520 (W/K)

~~Pat~~ Lark does not remember transaction

JERRY MINTON (972) 941-2406

BRYAN WOOD (972) 941-2087

035492  
ID 2973 PG 1 OF 1  
FRANCES L CONNER  
2749 LAUREL OAKS DR  
GARLAND TX 75044

(972) 530-7987  
Store no. 2055-2 CFC LEN  
Inv. date. 10/03/00  
Inv. no. 3325-15139 DR 34



Terms CASH

D

W/H Pkgs. 0 ns JCP Packing Lt  
A Pkgs. Y  
MOSE. TOTAL (T) 25.49  
SHIP/HDLG (T) 4.75  
TAX 8.25% 2.49  
INV. TOTAL 32.73  
AMT. DUE 32.73

CCSC	4301-8	CSR	0698	Pkr	651	Pull	1500	Ln	2	Pd	70	Bin
Qty.	SKU/Desc.	Location	Price	Ship Adj	Tax Adj	Ln						
1	R114-5000D	A3202E2	25.49	4.75	2.49	01						
1 0273 / Short Robe-M M Royal 27												

Welcome To The Convenience Of Shopping JCPenney Catalog

\* DMB DISC. APPLIED

00742



## Wrap yourself in softness

The comforts of home  
begin with what you're wearing.

**D Adonna® long, fleece robe.** Ease into morning. Slipping into our soft fleece robe makes it a little easier to leave the comfort of your warm bed. Richly hued with trapunto stitching and satin trim. Raglan sleeves. Side-seam pockets. Hidden zipper front. Polyester. Washable. Imported of domestic fabric. 1.10 lbs. 90 floral print, 56 jade, 27 royal. See sizes below.

R 114-5009 D Misses 35.99  
R 114-8009 D Petites 35.99  
R 114-8011 D Talls 39.99  
R 114-8008 D Women's 39.99

**E Adonna short, fleece robe.** Treat yourself to a robe full of ease and comfort; a robe you can wear right into Spring. Accented with trapunto stitching and satin trim. Convenient snap front. Patch pockets. Polyester. Washable. Imported of domestic fabric. 1.10 lbs. 27 royal, 56 jade, 90 floral print. See sizes below.

R 114-5000 D Misses 33.99  
R 114-8000 D Petites 33.99  
R 114-8002 D Women's 37.99



Sizes for These Two Pages

Misses S(6/8), M(10/12), L(14/16), XL(18/20)  
Petites S(6/8), M(10/12), L(14/16), XL(18/20)  
Talls M(10/12), L(14/16), XL(18/20)  
Women's 1X(20W/28W), 2X(22W/30W), 3X(26W/34W)

adonna 11443

www.jcpennycorp.com

Frances L. Conner  
2749 Laurel Oaks Dr  
Garland, Tx. 75044  
972-530-7987

Item:

Short Robe-m

\$25<sup>49</sup>

JCPENNEY  
STORE 2055-2  
PLANO, TX 75075  
972-578-8666

\*C 02:55 PM 5954 2055/704 157

CATALOG INVOICE #332515139

QTY 1 \*SHORT-ROBE-M 25.49T  
CAT# R 114-50000  
LN 01-9 4.75 2.49

MOSE TOTAL 25.49  
SHIP/HDLG 4.75T  
SUBTOTAL 30.24  
SALES TAX 8.250% 2.49  
6011008530697884/0305/004318005/M  
DISCOVER 32.73  
CHANGE .00  
JCPenney  
TTL 10/04/00 32.73


Come in. Call in. Log on.

SIGNATURE *Frances L. Conner*

CARDHOLDER ACKNOWLEDGES RECEIPT OF  
GOODS/SERVICES IN THE AMOUNT SHOWN AND  
AGREES TO PAY FOR THEM ACCORDING TO  
CREDIT CONTRACT WITH CARD ISSUER.

STORE COPY

Investigative Notes: Cmdr. J.L. Lay  
Bertie Cunningham Capital Murder Case  
October 5, 2000



Oct. 5, 2000 6:30 p.m.

Cmdr. Lay relieved Lt. S.K. Thompson at the CAPERS Unit Supervisor's desk to field incoming calls from other agencies, citizens, and police officers regarding the Missing Person Investigation on Bertie Cunningham of Garland.

7:00 p.m.

Inv. W.H. Brown Jr. returned from conducting a consent search at Tonya Thorp's residence on Barclay. Thorp is suspect Murphey's natural sister. Inv. Brown recovered a Van Zandt County court receipt with numerous telephone numbers handwritten on the back of the receipt. Inv. Brown turned this information and receipt over to Cmdr. Lay, should any of the telephone numbers become leads in the case. Lay turned this note over to Lt. Thompson upon his return to the desk at 9:00 a.m. the next morning.

7:20 p.m.

Cmdr. Lay received a telephone call from Mr. Jerry Conner, the victim's nephew. Mr. Conner stated the family had just received a call from the Washington Mutual Master Card Company stating the victim's Master Card had some suspicious activity on it. Conner explained to Cmdr. Lay the reason this credit card had not already been reported to the police was due to the family not realizing Bertie had such a card. Washington Mutual Master Card gave Bertie's card number as, 5544 2600 10255141 with a phone number of 1(800)450-6715.

7:30 p.m.

Cmdr. Lay telephoned the Associates Credit Card Service regarding the Washington Mutual M/C in Bertie's name. Mr. Whalen Brunton, a fraud clerk for the company, assisted Cmdr. Lay in researching recent activity on the card. Mr. Brunton discovered the credit card had been used on 10-05-00 at 6:35 p.m. and again at 6:43 p.m. at **Chacho's Grocery Store**, located at 500 S. Virginia Street, in Terrell, TX. The first transaction was for \$70.44 in merchandise and the subsequent transaction for \$33.64.

E.S.T.

7:45 p.m.

Cmdr. Lay notified Detective Peavey with the Terrell Police Department regarding the suspicious credit card transaction with the victim's card. Detective Peavey responded to the grocery store to investigate.

8:00 p.m.

Cmdr. Lay dispatched Garland P.D. Forensics Supervisor John Mowery and Forensics Investigator Phillip Parker to **Chacho's Grocery Store** in Terrell, TX, to collect the forensics evidence and any possible videotape from the store.

8:30 p.m.

John Mowery and Inv. Parker arrive at the store and obtain register receipts, videotape and a good physical description of the suspect and an unknown B/M who was with the suspect Murphey. The suspect is clearly Jedediah Murphey, based on description and videotape replay, and the B/M is described as 5'11", 300 pounds wearing a canary yellow tshirt. The clerk stated the men were in a gold Buick type vehicle.

8:30 p.m.

All new information is put out on a teletype to the Terrell PD area.

9:00 p.m.

Cmdr. Lay was contacted on the telephone by Glenda Lee of Wylie, TX, 972.442.4754. Lee used to live in Edgewood, TX and was the editor of the Edgewood newspaper. Lee knows the suspect Murphey and a number of his relatives. Lee provided that names of Tracy and Tim Irwin as sister and brother-in-law in Edgewood, TX. Lee provided some other family information, which was noted.

9:30 p.m.

Cmdr. Lay received a call from Officer Rick McDonald, a K9 Officer for the Plano Police. Ofcr McDonald stated he had received a call from a Mimi Farnsworth of Edgewood, TX at 903.873.8068. Farnsworth was supposed to have information on the suspect, Murphey. Cmdr. Lay called Farnsworth who stated her 16 year old daughter, Jennifer, was friends with a girl named Erika Irwin, daughter of Tracy and Tim Irwin. Erika told Jennifer she had actually seen Jed Murphey at the Edgewood High School on 10-05-00 at 5:00 p.m. driving the victim's 1996 Honda Accord 4dr. Erika and her sister, Cassye, spoke with "Jim" at that time. "Jim" stated the Honda was his car.

9:45 p.m.

Cmdr. Lay telephoned the residence of Tracy and Tim Irwin, parents of Erika and Cassye Irwin. Cmdr. Lay reached the Irwins at 903-896-4222. The Irwins live at 207 Southridge Dr. in Edgewood, TX. Erika's DOB is 11-14-82 and Cassye's DOB is 03-27-85. Lay spoke with Erika who stated "Jim" showed up at

903 896 7856

00746

Edgewood H.S. at approx. 5:00 p.m. while she was at Cheerleading practice. Erika stated Jim told her he was dying of a brain tumor and didn't "have long." Erika said that Jim told her the silver Honda was his car and that it was a piece of "junk, don't ever buy one." Jim left the girls telling them he might drop by their house that night to see their parents. Erika stated her younger sister Cassye was present and spoke with Jim as well. Tracy Irwin stated she was going to notify her husband, Tim Irwin, who was an Irving Firefighter and on duty at the time. Tracy also stated she and her daughters were going to leave the house and stay in a motel for the night. Cmdr. Lay asked Tracy to be sure and call to let the police know where they would be for the night.

10:30 p.m.

Cmdr. Lay continued to follow phone leads on this case. Lay spoke with Det. M.R. Roberds, who is remotely related to the family. Roberds was able to provide a telephone number for Samantha Murphey, the suspect's mother. Cmdr. Lay spoke with her at 214.684.4008. "Sammy" stated she has not seen or talked with her adopted son, Jim, for over 3 years. Sammy stated she had no idea where he might be, but had notified all of her family in Edgewood, TX to be on the alert for Jim. Sammy agreed to contact police should Jim contact her.

11:00 p.m.

Cmdr. Lay received a call from Charles Armitage of Greenville, TX, 972.871.9277. Mr. Armitage stated he and Jim were patients in Glen Oaks Psychiatric Hospital some months back. Armitage stated that Jim has been violent in the past when he quits taking his medicine. Armitage stated that Jim has contacted him in the past, when he would get into trouble. Armitage stated if Jim made any attempt to contact him, he would notify the police. Armitage had not talked with Jim in several months.

11:15 p.m.

Cmdr. Lay was contacted by Ken Friteher, who is the employer of Jim Murphey in Wills Point, TX at Griffin Products. Friteher's phone numbers are 903.873.3176 and 903.873.6388. Friteher stated Murphey had been on a Worker's Comp leave, but had been notified at the address in Richardson last week that if he did not return to work, he would be terminated. Friteher stated Murphey had not responded to the letter.

October 6, 2000 @ 12:00 a.m.

Cmdr. Lay was contacted by Van Zandt County S.O. stating they had received a call from a citizen who had witnessed Murphey in the victim's stolen vehicle at

3:15 p.m. on Thursday, October 3, 2000. Cmdr. Lay telephoned Brent Simmons at 903.896.7674 (hm). Mr. Simmons stated he went to high school with Murphey and knew him on sight. Simmons stated he was stopped at a red light on Hwy 80 in Edgewood, TX at 3:15 p.m. when he observed Murphey driving a clean, silver 1996 Honda Accord 4dr toward Edgewood H.S. Simmons stated Murphey was slumped down low in the seat, but he could see it was him driving the vehicle. Mr. Simmons resides at 605 Crooked Creek Dr. in Edgewood, TX. He works for the Terrell F.D. and his work number is 972.551.6650.

12:30 p.m.

Cmdr. Lay received a call from Jan Brooks of the Van Zandt Co. Adult Probation Department. Mrs. Brooks stated she is a supervisor with the Probation Dept and that Jim Murphey is on probation with her agency. Mrs. Brooks agreed to go to her office and check their files for possible contact persons and addresses on Murphey. At first glance it appears all the information contained in probation files is the same as the information already gathered by police.

12:45 a.m.

Cmdr. Lay had called some of the phone numbers found on the back of the slip of paper recovered by Det. W.H. Brown at Tracy Thorp's residence in Richardson, TX. "Zac" Stanfield was contacted at 500 Rolling Hills Place #1802, Lancaster, TX at 972.274.4576. Stanfield stated he used to live in a trailer park next door to Murphey, his wife and young daughter. Mr. Stanfield, w/m 06-10-74, has not talked with Murphey is several weeks and said he would call police should Murphey call him.

1:00 a.m.

At about this time, Cmdr. Lay was contacted by Terrell P.D. Det. Peavey. Peavey stated Tim Irwin has stopped in at the Terrell P.D. on his way to Edgewood after taking off for the shift at the Irving F.D. where worked. Peavey stated he asked Irwin if he knew of a B/M, 5'11", 300 pounds, who was a friend to Jim Murphey. Tim Irwin provided Terrell P.D. with the name of Treshod Tarrant as a friend of Murphey's who fit that description. Irwin stated all he knew was that Murphey and Tarrant had grown up together in Edgewood, TX. Terrell P.D. then contacted Van Zandt Co. S.O. to ascertain if they had possibly handled a Treshod Tarrant. Van Zandt Co. S.O. stated they had handled tarrant and had a previous address on him of 509 N. Lamar Dr. in Edgewood, TX. Van Zandt county records revealed that Tarrant was 5'11", 280 pounds. Tarrant's DL number is #11430351 and DOB is 01-16-74, according to Van Zandt Co. S.O. records. Lay asked Terrell P.D. to check the Edgewood address to see if either

the gold Buick used in the credit card case in Terrell was there or the victim's silver Honda.

2:00 a.m.

Cmdr. Lay was contacted by Det. Peavey of the Terrell P.D. Det. Peavey stated they has asked Van Zandt Co. S.O. to go by the Edgewood address on Tarrant. Det. Peavey stated Van Zandt Co. S.O. and an Edgewood P.D. unit were surveilling the victim's stolen 1996 Honda in front of Tarrant's residence at 509 N. Lamar Dr. in Edgewood, TX. Peavey stated the Honda was back in at the house and appeared to be unoccupied. Cmdr. Lay asked Peavey to notify the units to hold their surveillance until G.P.D. arrived, if possible.

2:10 a.m.

Cmdr. Lay, Lt. S.K. Thompson, Det's Myers, Mendoza, Vanek, and Lee left the police department to travel to Edgewood, TX.



Jan Brooks  
(908) 567-4406 (908) 567-4066  
Van Zandt Co. Adult Probation  
Supervises Fred Murphy

LOGAN CRAFT - contact person  
(903) 873-2215 (EX-FATHER-IN-LAW)  
~~Karla KACBITZ~~  
X2865

ggg

00750



L. OLIVER  
214 384 3903

610 S. WAKAHACHIE  
MANSFIELD, TX

<u>GREENVILLE</u>	GRIFFIN PROB. EMPLOYER	
	BROWN (RAD)	MCDONALD, RICK (K-9)
CHAS. PRUITTAGE	903 873 3176	972 816 8326
972. 871. 9277	903 873 6388	PLANO P.D.
GLEN OAKS PSYCH	KEN FRITZHER	
PATIENTS TOGETHER		

GLENDIA LEE (EDITOR - EDGEWOOD)  
972. 442. 4754

BOB MURPHY (FATHER)  
EDGEWOOD ?

TRACY IRWIN (SISTER) TIM IRWIN (903) 896-1715 7856  
(903) 896-4222 <sup>W/ONS</sup> <sub>STUART</sub> <sub>Residence</sub>

SKINNER, FINIS

"JENNIFER"  
FARNSWORTH, MIMI  
(903) 873-8068

EDGEWOOD H.S.  
EDGEWOOD, TEXAS "ERIKA" IRWIN

SUSAN  
(817) 247-5688

VILLAGE APTS TERRELL, TX  
8/m GOLDEN  
5'11" 300

BLUE SHIRTS  
ATHLETIC SHIRTS BCK/GRY

GOLD CUTLASS ?

214  
803 5076  
00751

LENN STANG  
EDGEWOOD P.D.  
903  
896-4100

SAMMY MURPHY  
214. 684. 4008  
972. 896. 4008  
817. 595. 5104

10-05-00 STRAWN

ERIKA IRWIN 11-14-82 W/F BDX OF BEER

\* 5:00PM (AT SCHOOL)

SILVER HONDA ACCORD

207 SOUTHRIDGE

EDGEWOOD, TX 75117

CASSIE LINN IRWIN

03-27-85 W/F

---

LISA VAN ZANDT CO.

(903) 567-4133 VZ50

\* 3:15 PM HWY 80

BRENT SIMMONS OBS. IN VICTIM'S VEHICLE - EDGEWOOD

605 CROOKED CREEK

EDGEWOOD, TX

TERRELL F.D.

(817) 601-0080 BPR

4 DR HONDA ACCORD

(903) 896-7674 HM

(972) 551-6650 WK

*gdd*

00752

(214) 384 6227 TANNOCK  
(214) 384 0209 GLENTAGLIA

QUINN  
ZACHARY STANFIELD  
W/M 06-10-74  
500 ROLLING HILLS DRIVE #1802  
LANCASTER, TX

- ex-neighbor in Wills Point, TX @ trailer park.  
972.274.4576

BOB MURPHEY & SAMANTHA (SAMMY)  
MATTHEW (BROTHER)

JEFF ROSE  
W/M 01-29-76  
1425 VAN ZANDT CO 3206  
WILLS POINT, TX 75169  
(903) 865-6083

Jeff

BIG FAT B/M BRIGHT YELLOW SHIRT  
GOLD NEWER BUICK 5TH AVE

00753

CREDIT CARD ACTIVITY

(10-5-00) 2:35 AM NO LOCAL 972.563.6922  
2 - 751 6:43 PM TERRILL, TX CHACHO'S Groc. \$33.64  
1 - 6:35 PM SAME STORE \$70.44

Teletype  
sent out @  
8:30 PM  
w/updates to  
Torellman:  
8:00 P.M. 10-05-00  
Murray/Parker dispatched to Chachos Groc. Store  
(214) 536-2972

10-05-00 WHALEN (12 MID)

1 (800) 450 6715 FRAUD

Betie Cunningham

— Wash Mutual M/C 5544 2600 10255141  
6 att ATM  
4 checks

gss

(972) 492-9949

00755

TRESHOD TARRANT

01-16-74

5'11 280 lbs.

11430351 TX OLN

509 W. LAMAR DR.

\* GREW UP W/JED

EDGEWATER, TX

gsg

509<sup>N</sup> Lamar in Edgewood

903-567-4133

peasy in Terrell

Fulbright

972

Assoc.

CC 560V

653-16849

WILSON

BRILTON, WHALEN

W/m 06-20- (23)

SSN

497 80 3618

6400 LRS COLNAD 876 120

IRVING 75039

~~WILSON BRILTON~~  
W/m

LIPSEY

972-690 6721

00757

Chacho's 500 S. Virginia 563-6922  
10-5-00 6:26 P.M.

Gold naver Buick  
"Johnson" Yellow shirt - cap backwards  
gold chain - medium thickness  
Knee length shorts - jean

Platinum Discover

Camps

Aridi, Doha  
32/w/F 10-10-67  
1108 Americana #906  
Mesquite 75150  
972/5681-2476

Akran Aridi  
38/w/m 7-21-62

00758

MOORE'S  
NOTES: TERRELL

Extremely  
FAT

5'11"

Stomach  
sticks way  
out

922

Real  
Dark  
Skin

No Face Hair

Hard To  
WALK

ackwards

BLACK

thickness

Cap on BACKWARDS

Athletic  
Tennis  
Shoes

"Johnston Needs Orange  
Juice"

BLACK  
&  
GRAY

Bright Yellow T shirt

Bassy Blue Jean Shorts

67

#906

Gold Chain

10

4 door Cutlass Sierra

16

Gold

w/ Guy Drawing

38 / W/M 7-21-62

00759



BIRDY CUNNINGHAM W/F  
123119

- LEFT JCPENNEY AT 3:58 P.M. - WERE SHE UTILIZED FR  
DISCOVER CARD. BIRDY WAS ALSO AT DILLARDS, PICKING U  
FOR FRANCIS.

*Officer  
Francis*

- AT APPROX 6:00 P.M. A W/F, APPROX 25-30 ENTERED RICHARDSON  
MOTOR SPORTS WITH 2 W/F APPROX 13 YRS. SUBJECT BOUGHT 2  
GO-PEDS, VALUED \$1728.00. THE WHITE MALE IS DESCRIBED AS THIN,  
WEARING GLASSES, BLUE JEANS. SUBJECT HAD A TLID WITH PICTURE THAT  
APPEARED TO BE HIM, AND NAME CUNNINGHAM ON IT. SUBJECTS LEFT IN  
A SILVER VEHICLE,

BIRDY HAS ONE WASHINGTON MUTUAL VISA THAT TIES INTO  
HER BANK ACCOUNT. BIRDY SS# IS 411-12-4340 -  
PHONE # 1-800-788-7000

*J.C. Penney  
Loss Prevention  
Matt Tollosbol  
214 349 9402*

PLANO, P.D. - 972-941-7900

BIRDY CONINGHAM  
~~12319~~ 123119

RAYLOR RICHARDSON - 972-498-4000 - NONE

COLUMBIA PLANO - 972-596-6800

STATION 1 - 972-941-7460

2073 2071 460225  
2040  
2090

RICHARDSON - NO ONE AT 10:42 P.M. ADMITTED

COLUMBIA PLANO - NO ONE ADMITTED CONTACTED AT 10:46 P.M.

STATION 1 - NO RESPONSE TO COLLIN CREEK. - CONTACTED AT  
10:53 P.M.

PLANO - DID NOT LOCATE VEHICLE AT COLLIN CREEK.

JERRY KWIECIEN - OWNER RICHARDSON MOTOR SPORT  
972-414-9327

BOBBY HARP 972-475-7530 - EMPLOYEE RICHARDSON MOTOR SPORT  
214-912-3949 - CELL PHONE

DISCOVER CARD # 6011008050627147 121188 CFS.

SHELTON, EVELYN - SISTER 972-530-7987 - 3119 BIG OAKS DR  
MARY

JERRY CONNER / NEPHEW - 602 HUNTINGTON CT.  
083350 GRAPEVINE TX 76051  
H/P-817-488-4781  
B/P-972-830-9005

COLIN CREEK MALL - STOPPED AT DILLARDS  
STOPPED AT JC PENNY. - 3:58 P.M.

BONNER, FRANCIS - SISTER WHO HAS BEEN LIVING WITH BIRDY UNTIL  
090715 SHE GOES INTO ASSISTED LIVING. 00761

PLANO P.D. - 972-941-7900

BIRDY CONINGHAM

~~12319~~ 123119

BAYLOR RICHARDSON - 972-498-4000 - NONE

COLUMBIA PLANO - 972-596-6800

STATION 1 - 972-941-7460

---

RICHARDSON - NO ONE AT 10:42 P.M.

COLUMBIA PLANO - NO ONE ADMITTED CONTACTED AT 10:46 P.M.

STATION 1 - NO RESPONSE TO COLLIN CREEK. - CONTACTED AT  
10:53 P.M.

COLIN CREEK - FALL, <sup>CLOSET FIRE STATION</sup>  
BAYLOR RICHARDSON  
COLUMBIA PLANO

SHELDON, MARY  
1917 ~~101817~~

BIRDY CUNINGHAM  
1231-1919  
5'4" 150

~~3119 BIG OAKS~~  
2749 Laurel Oaks  
Printed Name HONDA  
Laminated Parts SILVER 96 4DR.  
4LD944

LEFT AT 4:00 P.M. FROM COLIN CREEK  
#1728. 6011008050627147 AFTER PICKING UP PACKAGES  
DISCOVER CARD - 7:00 P.M. CHARGE MADE  
RICHARDSON MOTOR SPORT.

CONNER, JERRY  
NEPHEW  
817-488-4781

25 YPO OLD IN  
W/M  
2 YOUNG GIRLS

ABOUT 6:00 P.M. PRESENTED I.D.  
WITH CUNINGHAM ON IT, BOUGHT TWO  
60 PDS, LEFT IN SILVER VEHICLE

Denag

1-800-347 2683

E/Jan ~~Discovers Inv.~~ Discovers Inv. no other transaction from bits  
Gumb's  
will monitor Cunningham's account & will call 2150 if another  
transaction take place

00763

Mendoza  
2777

①

\* Treshod montrell Tarrant  
B/m 1-16-74  
509 Lamar 903-896-7875

Officer  
Mendoza

said that susp showed up about 3 or 4pm.  
told susp he had to report to parole ofc  
& told him to come back.

susp showed back up at 6pm and Tarrant  
and susp went to chacho's in terrell and  
bought beer. susp's left and returned  
5 mins later for more beer. Tarrant stated  
both purchases were made with a credit  
card. Susp and Tarrant then went to  
culpeppers in terrell and had dinner also  
payed with credit card. Susp stated  
credit card was a gir'Friends.

Susp & Tarrant tried to use card  
at B.S.'s Store in terrell but it wouldn't  
work. They then went to Texaco and  
bought gas with card.

Susp and Tarrant returned to Lamar and  
met a w/m Nick Bunch 17yrs &  
Jimmy Grant w/m 20yrs at a park  
around the corner. Tarrant stated he  
and a w/m named P.A. 17yrs & a w/F  
Christie went to Wills point in the Honda  
with Tarrant. driving.

00764

②

Tarrant stated they bought some marijuana and smoked it on the way back to Lamar. He stated that P.A. lives in the Edgewood Estates Apts. He bought dope from a B/m named Brad Thompson 20yrs old. He said they left about 9pm + returned about 10pm. He stated they sat in the front yard till 11pm and then went to bed. Tarrant said susp was gonna take him shopping in the morning.

Tarrant stated that susp told him he bought the car. Tarrant asked about Blood on Bumper and susp said he shot a deer and put it in the trunk. Tarrant hadn't seen susp in approx 2 mos.

\* Jatorra yariborough  
B/F 2-27-79  
509 Lamar

Jatorra stated she left work at Estate Planning in Canton around 8:30pm + got home around 9pm. She saw susp and told him hi. She then went inside and checked her E-mail and talked to her friend on the phone.

00765

③

she said that tarrant, who is her cousin and susp were hanging outside and went to bed around 11pm. she said she did not talk to susp and hasn't seen him in about a year.

\* ora mae milton  
B/F 1-12-25  
509 Lamar

she said susp came over about 6pm and took tarrant out to eat. she said she has known susp ~~sh~~ since he was a young child. she said susp asked if he could spend the night and she told him yes. she said she had no other conversation with susp.

10/5 from Officer Nysen  
Calls on Tonya Thorne (Piller ID  
Unknown

972-931-8420 1:06pm

WILLAMSBURG, MORT

X 972-524-5330 10:46, 11:45  
McLoy Bld Supply  
CHESA

214-319-7834 9:10am

WHEELER, CADONA



2000R030225  
Processed with Kinkydine  
C.L. #611

Drug Emporium #14  
1716 E. Belt Line Rd.  
Richardson, TX 75081  
(972) 644-1010

MAIN ANNEALING H/D MANED  
206675-10 8.57

EXT 1010

TAX SALES 8.2500  
Discover Credit Card  
ADCT # XXXXX XXXX7884  
AUTH CODE 1002788  
Sales Person Gary

Sub Total \$8.57  
Tax \$0.71  
Total \$9.28

Thank You For Shopping With Us

Trn 2005 014 12/10/02/07/16:01

Come In. Call In. Log On.

STORENEX-2  
PLANO, TX 75075  
872-578-8666

JCPenney  
0231110570

CATALOG INVOICES 17515139  
Come In. Call In. Log On.

DATE 10/04/00  
TIME 10:00  
USER 00189

SHIP/ADLG  
SUB TOTAL 4.75  
SALES TAX 30.24  
DISCOVER XXXXX XXXX7884  
CHARGE IN. Call In. Log On.

TTL 10/04/00 32.73

ITS ALL INSIDE  
LOG-ON TO JCPENNEY.COM

KEEP THIS SLIP FOR STATEMENT VERIFICATION  
CUSTOMER COPY ONLY

Come In. Call In. Log On.

Dillard's  
240508343 SALE 0013-1 070053

POP LABEL APPROVED  
041034222242 660 43.00  
MODERATE

HU POP 050422477497 8.250  
TOTAL 46.55

Dillard's  
CONSUMER SERVICE  
LOUISE

CHARGE CODE 1002788  
10/04/00 12:55

THANK YOU FOR SHOPPING AT DILLARD'S

00768

6:15- 6:20

Business closed @ 6:00

WM 25-30

glasses

blue jeans

light  
~~black~~ shirt - T-shirt

baseball cap - dark color - UK marking

dark hair - brownish

short hair

said he was underwater welder

2 boys both approx 12

#1 blonde hair

baggy pants

no cap no glasses

called 25yr old uncle

#2

dark complexion

hispanic

shorts Tank top

dark hair

no glasses

2 sports red & blue

1 Liguimatic - yellow

499<sup>00</sup> ea  
\$599<sup>00</sup>

 **BT MASTERBRAND™**

REORDER NO.  
**BTM00279**

W- 972-231-4833  
Jerry Kwiecien H 972 414 9327  
owner  
employee Bobby Harp 972 475 7530  
C 214 912 3949

358 PM @ JC Penney - pd w/ Frances card  
went to JC Penney + Dellards

358

Discover 6011 0080 5062 7147

2:30 calls Evelyn

358 JC Penney

645 408 S. Central- Richardson

- Teletype sent  
Contacted local P.P. in person Jt. Agency

Bobby Harp - full time

8:30 AM - today

Jerry saw car older model Dodge

- parts used - Mark Cannon

Bobby said sure made

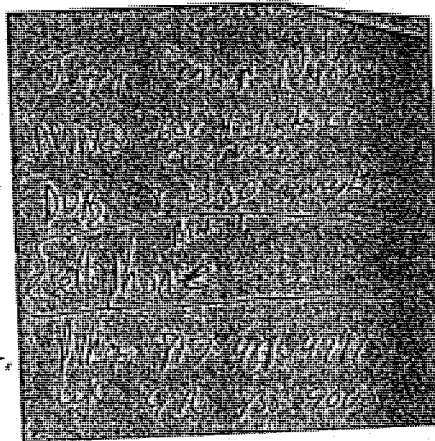
00770

Bobby Douglas HARP 3-31-66  
7618 Creekwood Dr  
Rowlett TX 75088  
10861532  
452-51-2619

Larry Levy 972-572-2000

CARLA

Patti Subier DPS - 5



Terry Connor  
4:00 pm sh. picked  
up packages

172800  
RICHMOND MOTOR STORE  
DREVEN

DETCO  
RN 475-3985  
327 2373

SKILLINGS - 445 east  
DeWitt 442 6955

MARK Allen CANNON 2-19-63 09210650  
1622 Goodwin Dr 453-39-5867  
Gautier La 042  
972-226-0828  
W 972-231-4833

- not really uncle  
→ my niece boyfriend  
Wm on phone

on phone "I know where the field is"  
Bobby said the didn't put them in trunk

on 2 6:20 - 6:25  
left approx 7:00

saw guy had 4 dr  
Bobby said guy smelled drunk

# Wm 25  
dark hair - a BLK - over collar - scruffy - mustache

Larry Wm 972 578 8666 - 200

Wm 12/13 }  
Hm 12/13 } longer darker hair } approx same  
size + height

J ISAAC Morphey 972 498 1148  
726 N East Frank  
Terrell Ta 78742

418-773

Go-Ped  
Liquimatic yellow HB-25701

Go-Ped sport

T 40965

Go-Ped sport

T 39669

one  
red

one  
blue

Jerry & wife left about 6:15 - 6:20 P.M.

Black man allowed in to exchange ~~Drake~~ <sup>Drake</sup> ~~Ad's~~ <sup>Ad's</sup>  
with 2 other adults

Gray older "Scurry Vehicle"

Pants People Last to leave

- 15% commission on "Peds" -

# AB

Serial #s are unique

From Jky

Alleged to be ~~James~~ <sup>James</sup> ~~Serial~~ <sup>Serial</sup>

Cash advance 4:33 AM UK where

1718 BARCLAY

Silver Honda YDL94Y

1600 Approx



Tonya Thorp WF 7-19-68  
1718 Barclay  
Richardson 250F1

Ashleigh Johnson WF 7-29-87  
1718 Barclay

last seen 6' on 610

5:30 @ 1718 Barclay - Honda - shiny  
ydr

his girlfriend brought for me  
pick-up Zach - @ Zach's house  
then Ryan @ Ryan's house  
first drove to Cliffs house Ryan not there  
Jim driving  
Ashleigh FR  
got Zach went to beer store  
Jupiter @ Renner  
Jim bought 6 pack beer - BudLite  
2 packs cigarettes wk  
showed @ Credit Cards wk  
Ashleigh called men from home - mon & wk

not seen again, dropped 605-610

Today Zach said

Zach said Jim said going to Key West Florida

haven't talked to Ryan

STAIN IN CAR - on back seat left side Brownish

J.C. Penny Bag in Car

Chelsea Willis - wife

Friend

Randy Crow Wm 35/43 yrs man  
in AA together  
married

lives in Kaufman  
has shop in Terrell - Crow Wrecker  
H 972-932-6628  
W 972 563 7543  
Cell 214-354-6120

CHUCK- Preacher Sch ???

Terrell TX

like a brother to me

Randy Crow probably knows Chuck

ok if really a preacher

Zach maybe been to church w/ BLAKE & Blake Goodfreet

Chelsa Willis Ex

WF 23

live in Wells Point - mobile home paid off  
grandfather Logan Willis - his name in Wells Point

Chelsa works McCoy's in Terrell

ALLYSA Logan Murphy 3

Chelsa has 5 mo old - not J. m

Friend

Philip Shawn Fitzgerald

Lives Belt Line Jupiter area

Philip - Black sports car - not expensive

Jim calls him Shawn

Mother - Hope Abbott in Fort Worth

Jim doesn't know where

Father deceased

Tony's siblings

Ray Bob - "RAY" works Terrell State Hospital

Hollie Jo. - like where

brother @ Donnie Toler - possibly Jim will contact

lives Blakely TX no phone

Panel Flores Renton P.P.  
H 972-466-1586

from LT. Thompson  
Christy Leann Baugh  
WA 14

903-896-7715

or 903-896-1964

was in car 8/9 PM in car

W, David

Paul Hewitt

Det Terry Blacklock - info from

903-567-4133

10/9/00 4PM - GPD

Phillip Shawn Cruz 3-4-74 451-97-0305  
1922 Matterhorn Tx 11444420  
Garland Tx 75044  
H 972-615-4329  
Monley-Moss Electrical Contractor  
4530 Cedar Lake - Dallas  
214-388-1177

Known Jim since 4<sup>th</sup> grade Edgewood  
moved to Garl - Feb 2000 w/ fiancée - Emily Fitzgerald

2 Shawn house WED Eve 8PM - 10PM  
very drunk - had beer in hand Bud Lite - Longneck  
came in said

"got brand new Honda 2000 - Accord"  
have to leave - go to Florida - ~~old master~~ had  
Left a box & asked to Shawn to deliver to Physiq  
in Edgewood

He was obviously upset  
he drove around back

box was in back seat - right rear  
Jim stressed - "nothing in the trunk"

Stayed for 10 mins - left

Alone

Saw Go - ped in back seat - only one  
hasn't seen or heard from again

Shawn saw newspaper on Fri morning

00782

Saw something on his white T-shirt

T-shirt Pegasus on front

maybe had blood drops maybe not

knows shod - in grad class

good friend in school

Shod said he saw blood on car

shod said car smelled bad

Shod said he went to Probation meeting Thur 3:30

Jim said he was going to check car

and is best friend in Edgewood

Can't think of anyone who might have to go - led.

Emily saw Jim

UK if Emily saw car - she didn't come out

may have looked out window

Cousin Derek Cruz - lives w/shawn

he came out saw Jim + car

Where does Jim drink? Bleacher's

w/ shawn - Chili's @ 190 & 78 - Speeds Garland Rd spillway

+ Whitesocks

Shawn has never been to Colon Creek Mall

Doesn't know where it is.

UK if Jim even a Colon Creek Mall



## Notes

Attempted to interview defendant  
on Fri 10-13-00

he said he would talk but he met  
w/ lawyer this morning. He said  
don't talk to Police unless you call me  
first.

He was not interviewed & was  
immediately returned to cell

### 3 Interviews

Oct 6

Oct 7

Oct 11

Attempt Oct 13 -



**GARLAND POLICE DEPARTMENT  
FORENSIC INVESTIGATIONS UNIT  
EVIDENCE LOG**

F# 00-	2831	CFS# 2000E-	121188 (R030225)
DATE OF OFFENSE: 10-	05 04	-2000	
OFFENSE LOCATION:	UNKNOWN		
LOCATION OF INVESTIGATION:	1718 Barclay, Richardson, TX		
FORENSIC INVESTIGATOR J. ROGERS # 607			

[illegible]





File# 00-	2831	CFS# 2000E-	121188 (R030225)
DATE OF OFFENSE: 10-	04	-2000	
OFFENSE LOCATION:	UNKNOWN		
LOCATION OF INVESTIGATION:	,Edgewood, TX		
FORENSIC INVESTIGATOR J. ROGERS # 607			

00789



GARLAND POLICE DEPARTMENT  
FORENSIC INVESTIGATIONS UNIT  
EVIDENCE LOG

Fi# 00-	2831	CFS# 2000E-	121188 (R030225)
DATE OF OFFENSE: 10-	04	-2000	
OFFENSE LOCATION:	UNKNOWN		
LOCATION OF INVESTIGATION:	1640 Commerce		
FORENSIC INVESTIGATOR J. ROGERS # 607			

ITEM #	DESCRIPTION	COLLECTED FROM
607-21	Purse, tan weave containing:	Trunk
	(1) Clear plastic clutch bag	Inside 607-21
	(1) Kroger Plus card #43426379164-9	" "
	(1) Foley's card "Bertie L. Cunningham" #298-944-359-0	" "
	(1) "Health Insurance" card Bertie L. Cunningham # 411-12-4340-A	" "
	(1) ATM card, Washington Mutual...Bertie L. Cunningham ...575706330438008001-6	" "
	(1) Tom Thumb Reward Card...8500020208646	" "
	(1) Blue Cross Blue Shield card, Bertie L. Cunningham ...1219396183	" "
	(1) Lions Club Community card	" "
	(1) Key ring, clear plastic square...one automobile key "HD103"	" "
607-21A	Brown leather wallet containing:	Inside 607-21
	(1) ID card Bertie L. Cunningham...2749 Laurel Oaks...	Inside 607-21A
	(1) Bridge Club Card...Mrs. B.L. Cunningham	" "
	(1) Kroger Cares card "Arapaho Baptist Church"	" "
	(4) Family photographs	" "
	(1) Cross Country Motor Club card...Orville Cunningham...#V000113847"	" "
	(1) IOLAB lens implant card...#081980-101K-616	" "
	(1) pair of women's sunglasses	Inside 607-21
	(1) brown leather address book	" "
	(1) brown pill bottle, containing 3 unknown tablets	" "
	(1) brown pill bottle, marked "Tylenol-Axid" containing unknown capsules	" "
	(1) Key ring with (3) house keys	" "
	(1) assorted makeup items	" "
	(1) assorted coupons	" "
607-22	Paper bag, "JC Penney"...blood	Trunk floor
607-23	Paper bag, "JC Penney" containing: a plastic wrapped blue robe, a Dillard's bag containing a Daniel Green shoe box and shoes	Trunk
607-24	Tshirt, White, blood	Trunk

00791



GARLAND POLICE DEPARTMENT  
FORENSIC INVESTIGATIONS UNIT  
EVIDENCE LOG

FI# 00-	2831	CFS# 2000E-	121188 (R030225)
DATE OF OFFENSE: 10-	04	-2000	
OFFENSE LOCATION:	UNKNOWN		
LOCATION OF INVESTIGATION:	1640 COMMERCE		
FORENSIC INVESTIGATOR J. ROGERS # 607			

ITEM #	DESCRIPTION	COLLECTED FROM
607-25	Carpet sample, bloody	Trunk floor
607-26	Blood sample	Trunk seal
607-27	Driving gloves, brown leather	Trunk
607-28	Shoes, one pair...Hilfiger, brown leather	Rear passenger side floorboard
607-29	3 x 5 notebook with handwriting throughout	Trunk
607-30	ATM receipt..."100400...1131PM...RT0504...9620 HARRY HINES...DALLAS, TX...\$00 SEQ# 4891"	Cup holder center console
607-31	Check book cover, containing	Front driver's door cargo holder
	(1) ID card, "Murphy, Jedidiah Isaac...DOB: 09-01-75...1718 Barclay.. I.D. : 0121195..."	Inside 607-31
	(1) credit card, Mastercard...Bertie L. Cunningham...Washington Mutual...5544-2600-1025-5141	" "
	(1) credit card, Discover Platinum...Bertie L. Cunningham...6011-0080-5062-7147	" "
	(1) checkbook register	" "
	(4) money order receipts: #151007289, 9/04/00; #51007290, 09/04/00; #46849105, 07/02/00; #46849106, 07/02/00	" "
	(1) yellow receipt	" "
	(1) yellow receipt	" "
	(1) note "903-865-8181...Wanda"	" "
	(6) business cards, Shelley D Featherston...Constable PCT#1...JP #1...Kaufman, TX	" "
	(1) business card, Wizards Sports Café...Richardson, TX	" "
	(1) business card, "Sept. 14 <sup>th</sup> 4:00 PM Thursday	" "
	(1) business card, Van Zandt Community Counseling...Edgewood, TX	" "
	(1) business card, First Christian Church...Wills Point, TX	" "
	(1) Bank receipt, Citizen's National Bank...Wills Point, TX... 7188404 #009B4C92662700 #016...\$153.88	" "
	(1) receipt, "Lynk Systems"	" "
	(1) receipt, "Cowboy Quick...10/05/00...0618PM...22.29"	" "





GARLAND POLICE DEPARTMENT  
FORENSIC INVESTIGATIONS UNIT  
FORENSIC INVESTIGATION NARRATIVE

FI#: 00-2831

CFS# E121188/ R030225

DATE RECEIVED: 10-05-00

TIME RECEIVED: 4:02 PM

OFFENSE: MISSING PERSON

DATE OF OFFENSE: 10-05-00

VICTIM/COMPLAINANT: BERTIE CUNNINGHAM

LOCATION OF OFFENSE:

LOCATION OF INVESTIGATION: 217 N. FIFTH STREET

FORENSIC INVESTIGATOR: P. D. PARKER #605

PHOTO: Y	35MM: Y	DGTL: Y	VIDEO: N	F/P: N (AFIS QUALITY: )
PALM/P: N	PHYS: N	LAB: N	CHEM: N	

INVESTIGATOR PARKER WAS CONTACTED BY FORENSIC INVESTIGATIONS UNIT SUPERVISOR MOWERY ON 10-05-00 IN THE FORENSIC INVESTIGATIONS OFFICE. MOWERY ADVISED THAT A LETTER HAD BEEN RECOVERED THAT WAS WRITTEN BY THE SUSPECT, JEDIDIAH MURPHY. MOWERY REQUESTED THAT THE LETTER BE PHOTOGRAPHED AND PROCESSED FOR FINGERPRINTS.

INVESTIGATOR OBSERVED A HANDWRITTEN NOTE. THE NOTE WAS WRITTEN IN GREEN INK ON RULED PAPER.

THE LETTER WAS PHOTOCOPIED AND PHOTOGRAPHED USING 35MM AND DIGITAL FORMATS.

THE LETTER WAS PLACED INTO A PLASTIC SHEET PROTECTOR AND RETAINED FOR FURTHER EXAMINATION.

GARLAND POLICE DEPARTMENT  
FORENSIC INVESTIGATIONS UNIT  
FORENSIC INVESTIGATION NARRATIVE

FI#: 00-2831

CFS# E121188/ R030225

DATE RECEIVED: 10-05-00

TIME RECEIVED: 5:30 PM

OFFENSE: MISSING PERSON

DATE OF OFFENSE: 10-05-00

VICTIM/COMPLAINANT: BERTIE CUNNINGHAM

LOCATION OF OFFENSE:

LOCATION OF INVESTIGATION: 1718 BARCLAY DRIVE, RICHARDSON, TEXAS

FORENSIC INVESTIGATOR: P. D. PARKER #605

PHOTO: Y  
PALM/P: N

35MM: Y  
PHYS: N

DGTL: N  
LAB: N

VIDEO: N  
CHEM: N

F/P: N (AFIS QUALITY: )

INVESTIGATOR PARKER WAS CONTACTED BY FORENSIC INVESTIGATIONS UNIT SUPERVISOR MOWERY AT APPROXIMATELY 5:30 PM ON 10-05-00. MOWERY ADVISED THAT HE AND INVESTIGATOR ROGERS WERE AT 1718 BARCLAY DRIVE IN RICHARDSON, TX. MOWERY ADVISED THAT THIS ADDRESS WAS RELATED TO THE SUSPECT. MOWERIES REQUESTED THAT INVESTIGATOR PARKER RETURN TO THE FORENSIC INVESTIGATIONS LABORATORY AND PREPARE A TREATMENT OF LUMINOL AND TRANSPORT THE MIXTURE TO THE BARCLAY ADDRESS.

INVESTIGATOR PREPARED THE LUMINOL AND TRANSPORTED THE TREATMENT TO THE LOCATION. INVESTIGATOR ROGERS AND SUPERVISOR MOWERY WERE CONTACTED UPON ARRIVAL AT THE LOCATION. INVESTIGATOR ROGERS ADVISED THAT HE WAS GOING TO TREAT THE BATHTUB AREA IN BATHROOM OF 1718 BARCLAY. INVESTIGATOR ROGERS REQUESTED A PHOTOGRAPH BE TAKEN OF THE BATHTUB IN THE BATHROOM OF 1718 BARCLAY DRIVE.

INVESTIGATOR PARKER PHOTOGRAPHED THE BATHTUB USING A 35MM FORMAT.

GARLAND POLICE DEPARTMENT  
FORENSIC INVESTIGATIONS UNIT  
FORENSIC INVESTIGATION NARRATIVE

FI#: 00-2831

CFS# E121188/ R030225

DATE RECEIVED: 10-05-00

TIME RECEIVED: 8:00 PM

OFFENSE: MISSING PERSON

DATE OF OFFENSE: 10-05-00

VICTIM/COMPLAINANT: BERTIE CUNNINGHAM

LOCATION OF OFFENSE:

LOCATION OF INVESTIGATION: 500 S. VIRGINIA, TERRELL, TEXAS

FORENSIC INVESTIGATOR: P. D. PARKER #605

PHOTO: Y

35MM: Y

DGTL: Y

VIDEO: N

F/P: N (AFIS QUALITY: )

PALM/P: N

PHYS: Y

LAB: N

CHEM: N

INVESTIGATOR PARKER AND FORENSIC INVESTIGATIONS UNIT SUPERVISOR MOWERY WERE DISPATCHED TO CHACHO'S STORE, 500 S. VIRGINIA STREET TERRELL, TEXAS, AT APPROXIMATELY 8:00 PM ON 10-05-00. MOWERY ADVISED THAT A CREDIT CARD BELONGING TO THE MISSING PERSON, BERTIE CUNNINGHAM, HAD BEEN USED AT THIS LOCATION. SERGEANT PEAVY AND DETECTIVE S. W. JOHNS OF THE TERRELL POLICE DEPARTMENT WERE CONTACTED UPON ARRIVAL. DETECTIVE JOHNS ADVISED THAT HE HAD TAKEN CUSTODY OF TWO RECEIPTS FOR THE VICTIM'S CREDIT CARDS. DETECTIVE JOHNS ADVISED THAT A HE HAD TAKEN CUSTODY OF A STORE SECURITY TAPE FROM THE LOCATION. MOWERY, DETECTIVE JOHNS, AND INVESTIGATOR PARKER WATCHED THE TAPE AT THE LOCATION AND OBSERVED THE SUSPECT IDENTIFIED AS JEDIDIAH MURPHY.

INVESTIGATOR PARKER TOOK CUSTODY OF TWO RECEIPTS FROM THE MASTERCARD ACCOUNT OF BERTIE L. CUNNINGHAM, ACCOUNT NUMBER 5544260010255141, FROM DETECTIVE JOHNS.

INVESTIGATOR PARKER, SUPERVISOR MOWERY, AND DETECTIVE JOHNS RETURNED TO THE TERRELL POLICE DEPARTMENT TO REWATCH THE VIDEO. COMMANDER LAY OF THE GARLAND POLICE DEPARTMENT AND CONTACTED AND ADVISED OF THE VIDEO AND UPDATED INFORMATION ON THE SUSPECT. AFTER THE VIDEO WAS OBSERVED A SECOND TIME, INVESTIGATOR PARKER TOOK CUSTODY OF THE VIDEO FROM DETECTIVE JOHNS.

INVESTIGATOR PARKER, SUPERVISOR MOWERY, AND DETECTIVE JOHNS RETURNED TO THE CHACHO'S STORE. THE STORE OWNER'S, DOHA ARIDI, W/F, 10-10-67, AND AKRAN ARIDI, W/M, 07-21-62, WERE CONTACTED UPON ARRIVAL AT THE LOCATION. DOHA ARIDI ADVISED THAT THE SUSPECT CAME TO THE LOCATION IN A GOLD COLORED FOUR-DOOR VEHICLE WITH AN OVERWEIGHT BLACK MALE IN THE PASSENGER SEAT OF THE VEHICLE. ARIDI GAVE SUPERVISOR MOWERY A DISCRPTION OF THE PASSENGER AND VEHICLE. COMMANDER LAY WAS CONTACTED AND UPDATED ON THE INCIDENT.

INVESTIGATOR PARKER, SUPERVISOR MOWERY, AND DETECTIVE JOHNS RETURNED TO TERRELL POLICE DEPARTMENT TO CONTACT SERGEANT PEAVY AND GARLAND POLICE OFFICERS, TANNOCK, MCCULLY, AND GUENTHERMAN. INVESTIGATOR PARKER AND SUPERVISOR MOWERY FOLLOWED GARLAND AND TERRELL OFFICERS TO A PARK TO STAGE FOR OBSERVING A LOCATION WHERE THE SUSPECT MIGHT HAVE BEEN. COMMANDER LAY WAS CONTACTED AND ADVISED THAT FORENSIC INVESTIGATIONS UNITS COULD RETURN TO GARLAND.

UPON RETURN TO THE GARLAND POLICE STATION, INVESTIGATOR PARKER AND SUPERVISOR MOWERY CONTACTED COMMANDER LAY TO OBSERVE THE VIDEO. THE VIDEO WAS LABELED AND PLACED INTO THE LOCKED CABINET IN THE FORENSIC INVESTIGATIONS LABORATORY. THE TWO RECEIPTS WERE PHOTOCOPIED AND PHOTOGRAPHED USING 35MM AND DIGITAL FORMATS. THE RECEIPTS WERE PLACED INTO A PLASTIC SHEET PROTECTOR PENDING FURTHER EXAMINATION.

00797

GARLAND POLICE DEPARTMENT  
FORENSIC INVESTIGATIONS UNIT  
FORENSIC INVESTIGATION NARRATIVE

FI#: 00-2831

CFS# E121188/ R030225

DATE RECEIVED: 10-11-00

TIME RECEIVED: 8:00 PM

OFFENSE: MURDER

DATE OF OFFENSE: 10-05-00

VICTIM/COMPLAINANT: BERTIE CUNNINGHAM

LOCATION OF OFFENSE:

LOCATION OF INVESTIGATION: 217 N. FIFTH STREET

FORENSIC INVESTIGATOR: P. D. PARKER #605

PHOTO: Y

35MM: Y

DGTL: Y

VIDEO: N

F/P: Y (AFIS QUALITY: )

PALM/P: Y

PHYS: Y

LAB: Y

CHEM: Y

ON 10-11-00, INVESTIGATOR PARKER PROCESSED ITEMS RECOVERED BY INVESTIGATOR ROGERS IN REFERENCE TO A MURDER INVESTIGATION. THE ITEMS WERE PHOTOCOPIED AND PHOTOGRAPHED USING 35MM AND DIGITAL FORMATS PRIOR TO BE PROCESSED FOR FINGERPRINTS.

INVESTIGATOR PARKER OBSERVED AND PROCESSED THE FOLLOWING ITEMS USING NINHYDRIN:

607-32 NOTE "TO SHILOH...10:30". NO LATENTS OF VALUE DEVELOPED.

607-30 ATM RECEIPT... "100400... 1131PM... RT0504... 9620 HARRY HINES... DALLAS, TX... \$00  
SEQ# 4891. LATENTS WERE DEVELOPED.

607-29 3X5 NOTEBOOK WITH HANDWRITING THROUGHOUT. LATENTS DEVELOPED

ITEMS FROM 607-31

CHACHO'S RECEIPT TIME 17:27. LATENTS DEVELOPED.

CHACHO'S RECEIPT TIME 17:36. LATENTS DEVELOPED.

COWBOY QUICK RECEIPT TIME 6:18 PM. LATENTS DEVELOPED.

COLE MOUNTAIN RECEIPT TIME 19:05. LATENTS DEVELOPED.

TEXAS ORTHOPAEDIC ASSOCIATES LETTER. LATENTS DEVELOPED ON BACK.

WORKER'S COMPENSATION RECEIPT, JEDIDIAH MURPHY CHECK 0116071970. NO LATENTS OF VALUE.

WORKER'S COMPENSATION RECEIPT, JEDIDIAH MURPHY CHECK 00116082873. LATENTS DEVELOPED.

WORKER'S COMPENSATION RECEIPT, JEDIDIAH MURPHY CHECK 00116080559. LATENTS DEVELOPED.

WORKER'S COMPENSATION RECEIPT, JEDIDIAH MURPHY CHECK 0116079801. LATENTS DEVELOPED.

WORKER'S COMPENSATION RECEIPT, JEDIDIAH MURPHY CHECK 0116075127. LATENTS DEVELOPED.

APPOINTMENT REMINDER, JIM MURPHY, VN ZANDT ADULT PROBATION DEPARTMENT. LATENTS DEVELOPED.

00798

BRUCE AND HUMAN DRUG CO. RECEIPT. LATENTS DEVELOPED.  
GARLAND POLICE DEPARTMENT  
FORENSIC INVESTIGATIONS UNIT  
FORENSIC INVESTIGATION NARRATIVE

FI#: 00-2831

CFS# E121188/ R030225

DATE RECEIVED: 10-11-00

TIME RECEIVED: 8:00 PM

OFFENSE: MURDER

DATE OF OFFENSE: 10-05-00

VICTIM/COMPLAINANT: BERTIE CUNNINGHAM

LOCATION OF OFFENSE:

LOCATION OF INVESTIGATION: 217 N. FIFTH STREET

FORENSIC INVESTIGATOR: P. D. PARKER #605

PHOTO: Y	35MM: Y	DGTL: Y	VIDEO: N	F/P: Y (AFIS QUALITY: )
PALM/P: Y	PHYS: Y	LAB: Y	CHEM: Y	

WHITE RECEIPT. LATENTS DEVELOPED.

MONEY ORDER RECEIPT 146849105/ 146849106. NO LATENTS DEVELOPED.

MONEY ORDER RECEIPT 151007289/ 151007290. LATENTS DEVELOPED.

CITIZEN NATIONAL BANK RECEIPT. LATENTS DEVELOPED.

TWO (2) ONE DOLLAR BILLS, SERIAL NUMBER A23163190I, K74815283M. NO LATENTS OF VALUE.

CHECK BOOK REGISTER. LATENTS DEVELOPED.

STATE OF TEXAS DEPARTMENT OF PUBLIC SAFETY, SAFETY RESPONSIBILITY LETTER.  
LATENTS DEVELOPED.

CERTIFICATION OF VITAL RECORD, JEDIDIAH ISAAC MURPHY. LATENTS DEVELOPED.

Dr. Lee NOTE. LATENTS DEVELOPED.

THE ITEMS WERE STORED IN PLASTIC SHEET PROTECTORS AND RETAINED FOR  
COMPARISON PURPOSES.



GARLAND POLICE DEPARTMENT  
FORENSIC INVESTIGATIONS UNIT  
FORENSIC INVESTIGATION NARRATIVE

FI#: 00-2831

CFS# E121188/ R030225

DATE RECEIVED: 10-12-00

TIME RECEIVED: 8:00 PM

OFFENSE: MURDER

DATE OF OFFENSE: 10-05-00

VICTIM/COMPLAINANT: BERTIE CUNNINGHAM

LOCATION OF OFFENSE:

LOCATION OF INVESTIGATION: 217 N. FIFTH STREET

FORENSIC INVESTIGATOR: P. D. PARKER #605

PHOTO: Y	35MM: Y	DGTL: Y	VIDEO: N	F/P: Y (AFIS QUALITY: )
PALM/P: Y	PHYS: Y	LAB: Y	CHEM: Y	

ON 10-12-00, INVESTIGATOR PARKER PROCESSED ITEMS RECOVERED BY INVESTIGATOR ROGERS IN REFERENCE TO A MURDER INVESTIGATION. THE ITEMS WERE PHOTOCOPIED AND PHOTOGRAPHED USING 35MM AND DIGITAL FORMATS.

INVESTIGATOR OBSERVED AND PROCESSED THE FOLLOWING ITEMS USING NINHYDIN:

ONE WIZARDS SPORTS CAFÉ CARD, JEDIDIAH MURPHY. LATENTS DEVELOPED.

SIX BUSINESS CARDS, SHELLEY D. FEATHERSON, CONSTABLE PCT# 1. LATENTS DEVELOPED ON FIVE CARDS.

FIRST CHRISTIAN CHURCH CARD. LATENTS DEVELOPED.

VAN ZANDT COMMUNITY COUNSELING CENTER CARD. NO LATENTS OF VALUE.

INVESTIGATOR OBSERVED AND PROCESSED THE FOLLOWING ITEMS USING CYANOACRYLATE ESTER FUMING AND BLACK MAGNETIC POWDER.

BLUE PLASTIC CHECKBOOK, TEXAS IDENTIFICATION CARD, 01211952, MURPHY, JEDIDIAH ISAAC, DISCOVER PLATINUM CARD, 6011008050627147, BERTIE CUNNINGHAM, WASHINGTON MUTUAL MASTERCARD, 5544260010255141, BERTIE L. CUNNINGHAM.

NO LATENTS OF VALUE OF VALUE WERE DEVELOPED ON THE ITEMS. THE ITEMS WERE PLACED INTO PLASTIC AND RETAINED AS EVIDENCE.

GARLAND POLICE DEPARTMENT  
FORENSIC INVESTIGATIONS UNIT  
FORENSIC INVESTIGATION NARRATIVE

FI#: 00-2831

CFS# E121188/ R030225

DATE RECEIVED: 10-13-00

TIME RECEIVED: 8:00 PM

OFFENSE: MURDER

DATE OF OFFENSE: 10-05-00

VICTIM/COMPLAINANT: BERTIE CUNNINGHAM

LOCATION OF OFFENSE:

LOCATION OF INVESTIGATION: 217 N. FIFTH STREET

FORENSIC INVESTIGATOR: P. D. PARKER #605

PHOTO: Y	35MM: Y	DGTL: Y	VIDEO: N	F/P: Y (AFIS QUALITY: )
PALM/P: Y	PHYS: Y	LAB: Y	CHEM: Y	

ON 10-13-00, INVESTIGATOR PARKER PROCESSED ITEMS RECOVERED BY INVESTIGATOR ROGERS IN REFERENCE TO A MURDER INVESTIGATION. THE ITEMS HAD BEEN PHOTOGRAPHED, MARKED AND LABELED BY INVESTIGATOR ROGERS.

INVESTIGATOR OBSERVED AND PROCESSED THE FOLLOWING ITEMS USING NINHYDRIN:

607-34 MERCHANT COPY RECEIPT, COWBOYS QUICK. LATENTS WERE DEVELOPED.

607-35 MERCHANT COPY RECEIPT, COLE MOUNTAIN. LATENTS WERE DEVELOPED.

THE ITEMS WERE PLACED INTO PLASTIC SHEET PROTECTORS FOR COMPARISON.



TO: John Mowery, Supervisor  
Forensic Investigation Unit

FROM: Virginia Long  
Forensic Investigation Unit


DATE: September 20, 2000

SUBJECT: Positive latent print identification:

On October 6, 2000 Forensic Investigator Rogers conducted the homicide investigation of Bertie Cunningham. During the course of the investigation latent prints were developed. On October 8, 2000 the latent print were compared to the rolled inked prints belonging to Jedidiah Isaac Murphy, a white male, date of birth 09-01-75, GPD# 2444172. The comparison resulted in positive identifications of:

- 1) Jedidiah Isaac Murphy's right thumb to a latent lift labeled "DATE: 10-07-00, fi# 00-2831, CF# E121188, OFFENSE (Type & No.) 1 (murder), VICTIM: Bertie Cunningham, ADDRESS: 217 N. Fifth, PRINTS LIFTED FROM: unopened pack of basic Menthol Lights 100's, LIFTED BY: Forensic Investigator Tharp # 608.
- 2) Jedidiah Isaac Murphy's left thumb to a latent lift labeled "DATE: 10-6-00, FI# 2831, CF# e121188, OFFENSE (Type & No.) Murder 1, VICTIM Bertie Cunningham, ADDRESS: , PRINTS LIFTED FROM: interior drivers door handle , LIFTED BY: Forensic Investigator Rogers # 607.
- 3) Jedidiah Isaac Murphy's left ring and left thumb to latent print on a "Patmont Motor Werks Warranty Registration" sheet.

  
Virginia Long, CSCSA  
Certified Latent Print Examiner

  
Reviewed By: Bill Rice, CSCSA  
Certified Latent Print Examiner



**GARLAND POLICE DEPARTMENT  
FORENSIC INVESTIGATIONS UNIT**

**TO:** DETECTIVE M. MYERS  
CRIMINAL INVESTIGATIONS DIVISION

**FROM:** JAMES ROGERS  
FORENSIC INVESTIGATOR

**DATE:** October 5, 2000

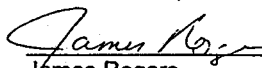
**REF:** FINGERPRINT COMPARISON ON JEDIDIAH ISAAC MURPHY

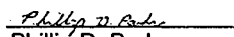
On October 5, 2000, Forensic Investigator Rogers collected evidence of credit card abuse at 408 N. Central Expressway in Richardson, TX. Several items were collected for latent print processing in the Forensic laboratory.

During the course of the processing, latent fingerprints of value were enhanced on the documents collected.

The enhanced latent fingerprints were compared to photocopied fingerprints of Jedidiah Isaac Murphy, W/M, DOB 09-01-1975, from the Kaufman County Sheriff Office.

The comparison resulted in a match between the #9 (left ring) finger of Jedidiah Isaac Murphy and an enhanced latent fingerprint on item 607-3 (GO-PED...warranty document...Liquimatic...HB-25701).

  
James Rogers  
Forensic Investigator

  
Phillip D. Parker  
Forensic Investigator



## GARLAND POLICE DEPARTMENT

### MEMORANDUM

TO : Detective M. Myers  
Criminal Investigations Division

FROM : Investigator Vicki S. Standley  
Forensic Investigations Unit

DATE : October 15, 2000

SUBJECT : Positive Latent Print Identification(s)

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On October 05, 2000, Forensic Investigator Rogers conducted a forensic investigation in reference to the homicide/missing person investigation of Bertie Cunningham, CFS# E121188, Off# R030225, FI# 00-2831. During the course of the investigation, latent prints were developed.

On October 15, 2000, Investigator Standley compared a copy of the fingerprints of Jedidiah Isaac Murphy, W/M 09/01/75, GPD# 2444172 to the latent prints developed on documents processed with ninhydrin during the course of the homicide/missing person investigation of Bertie Cunningham. The fingerprints of Jedidiah Isaac Murphy, W/M 09/01/75, GPD# 2444172 were identified:

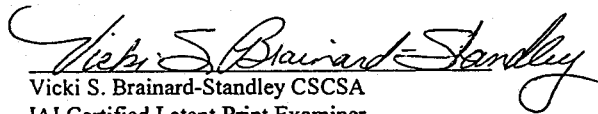
01. The left index finger to a latent print developed on a piece of paper with "DR. LEE 551-6957" written on it.
02. The left thumb to a latent print developed on a torn piece of yellow paper in the same sheet protector with the piece of paper with "DR LEE 551-6957" written on it.
03. The left little finger to a latent print developed on a second torn piece of yellow paper in the same protector with the piece of paper with "DR LEE 551-6957" written on it.
04. The left thumb, left index and left middle fingers to a yellow piece of paper with Lynk Systems, Inc. Atlanta GA 1-800-859-5965" printed on it.
05. The right index finger on the back of a proof of financial responsibility form dated August 4, 2000.
06. The left thumb on the front of a workers compensation indemnity payment check stub with check number 0116075127 on it.
07. The left index and right index fingers on the front of a workers compensation indemnity payment check stub with check number 0116079801.

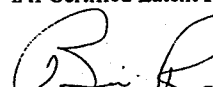
00804

Page two CFS# E121188 Off# R030225

08. The left thumb and right index finger on the front of a workers compensation indemnity payment check stub with check number 0116082873 on it.
09. The right index finger on the back of "Wizards Sports Café" business card.
10. The right index finger on the back of a business card for Shelley D. Featherston. The right index, middle and ring fingers also are on the front of the same business card.
11. The left index finger on the back of a white receipt in the amount of \$33.64. The left thumb is also on the front of the same receipt.

All items are labeled and initialed by Investigator J. Rogers as being from evidence item 607-31.

  
Vicki S. Brainard-Standley CSCSA  
IAI Certified Latent Print Examiner

  
Bill Rice CSCSA  
Forensic Investigator



TO: John Mowery, Supervisor  
Forensic Investigation Unit

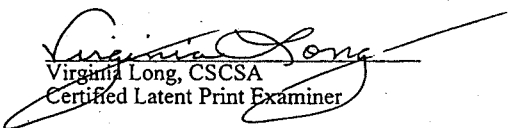
FROM: Virginia Long  
Forensic Investigation Unit

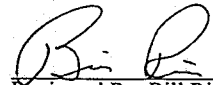
DATE: September 20, 2000

SUBJECT: Positive latent print identification:

On October 6, 2000 Forensic Investigator Rogers conducted the homicide investigation of Bertie Cunningham. During the course of the investigation Investigator Rogers processed the victims vehicle a silver Honda "Accord" Texas tag YLD 94Y. Latent prints of value were developed and lifted. On October 9, 2000 the latent prints were compared to the rolled inked prints belonging to Jedidiah Isaac Murphy, a white male, date of birth 09-01-75, GPD# 2444172. The comparison resulted in positive identifications of:

- 1) Jedidiah Isaac Murphy's left middle finger to a latent lift labeled "DATE: 10-06-00, FI# 00-2831, CF# E121188 R030225, OFFENSE (TYPE & No.) Murder 1, VICTIM: Bertie Cunningham, ADDRESS: , PRINTS LIFTED FROM: exterior drivers door frame, LIFTED BY: Forensic Investigator J. Rogers # 607"
- 2) Jedidiah Isaac Murphy's right index, middle and ring fingers to a latent lift labeled "DATE: 10-06-00, FI# 00-2831, CF# E121188 R030225, OFFENSE TYPE & No.) Murder 1, VICTIM: Bertie Cunningham, ADDRESS: , PRINTS LIFTED FROM: interior upper edge of rear pass. door window, LIFTED BY: Forensic Investigator J. Rogers # 607"
- 3) Jedidiah Isaac Murphy's right index finger to a latent lift labeled "DATE: 10-06-00, FI# 00-2831, CF# E121188 R030225, OFFENSE (TYPE & No.) Murder 1, VICTIM: Bertie Cunningham, ADDRESS: , PRINTS LIFTED FROM: drivers side of front hood, LIFTED BY: Forensic Investigator J. Rogers # 607"

  
Virginia Long, CSCSA  
Certified Latent Print Examiner

  
Reviewed By: Bill Rice, CSCSA  
Certified Latent Print Examiner

00806



**GARLAND POLICE DEPARTMENT**  
**MEMORANDUM**

**TO :** John Mowery, Supervisor  
Forensic Investigation Unit

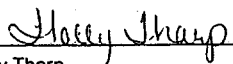
**FROM :** Investigator Holly Tharp  
Forensic Investigations Unit

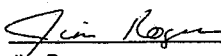
**DATE :** September 12, 2000

**SUBJECT :** Positive Latent Print Identifications

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On October 6, 2000 Forensic Investigator Rogers conducted the homicide investigation of Bertie Cunningham, FI #00-2831, 2000E121188, 2000R030225. During the course of the investigation Investigator Rogers collected several items of evidence. This evidence was processed in the forensic investigations laboratory for latent prints. During the processing of evidence latents were enhanced on an ATM bank receipt. On October 12, 2000, the latent prints were compared to the rolled inked prints belonging to Jedidiah Isaac Murphy W/M/09-01-75 GPD #2444172. The comparison resulted in the positive identification of Jedidiah Isaac Murphy's left index finger from ATM receipt dated 10-04-00 at 11:31pm from 9620 Harry Hines Dallas TX with "Transaction selected can not be processed" on the receipt.

  
Holly Tharp  
Forensic Investigator

  
Jim Rogers  
Forensic Investigator

00807



**INVENTORY OF RECOVERED PROPERTY**

E121188

RELEASED TO OWNER ☐

(MIDDLE)

1582

12:10 pm

IF FOUND CHECK ☐[illegible]

DATE

5-6-00

CASE #

GARLAND POLICE DEPARTMENT  
FIELD RECEIPT

PROPERTY RECEIPT



HOLD NOTICE



PROPERTY SEIZURE

PERSON IN POSSESSION OF PROPERTY AT THE TIME OF (HOLD) (SEIZURE) OR TO WHOM RELEASED.

NAME

PHONE ( )

ADDRESS

QTY.	ITEM DESCRIPTION (Make, Model Number, etc.)	SERIAL NUMBER
1	Hose from wet dry vac	
1	blue towel	
1	heater hose	
1	hose from house vac	

I AGREE THAT THE DESCRIPTION AND QUANTITY LISTED ABOVE MATCHES THE PROPERTY SURRENDERED:

SIGNATURE OF PERSON RELEASING PROPERTY

SIGNATURE AND ID NUMBER OF POLICE PERSONNEL

## PERMANENT RECEIPT OF PROPERTY

I CERTIFY UNDER PENALTY OF PERJURY THAT I AM THE LAWFUL OWNER/GUARDIAN OF THE DESCRIBED PROPERTY; I HAVE TAKEN POSSESSION OF THE DESCRIBED PROPERTY ON \_\_\_\_\_

NAME

ADDRESS

CITY/STATE/ZIP

PHONE ( )

ID

SIGNATURE OF PERSON RECEIVING PROPERTY

SIGNATURE OF POLICE PERSONNEL

### INVENTORY OF RECOVERED PROPERTY

121188

ISAAC  
(MIDDLE)

4:44 P.M.

IF FOUND CHECK ☐

00810

CITY OF GARLAND  
POLICE DEPARTMENT  
*INVENTORY OF RECOVERED PROPERTY*

OFFENSE # R030225 CALL SHEET # 12188

COMP. ☐ OWNER ☐ ARR. SUB ☒ OTHER ☐ RELEASED TO OWNER ☐

NAME FILED UNDER MURPHY JEDIDIAH ISAAC  
(LAST) (FIRST) (MIDDLE)

TURNED IN BY myers m. j. 1582

DATE 10-12-00 TIME 4:45 P.m

OFFENSE	TYPE OF OFFENSE	IF FOUND CHECK <input type="checkbox"/>
---------	-----------------	---

[illegible]

**INVENTORY OF RECOVERED PROPERTY**

CALL SHEET # 121188

RELEASED TO OWNER ☐

(MIDDLE

TURNED IN BY Myers

TIME 1:00 PM

IF FOUND CHECK ☐[illegible]

City of Garland  
POLICE DEPARTMENT  
AFFIDAVIT IN ANY FACT

THE STATE OF TEXAS

COUNTY OF DALLAS

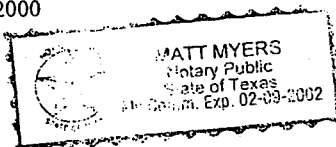
BEFORE ME, Matt Myers, a Notary Public in and for said County, State of Texas, on this day personally appeared TONYA THORP Who, after being by me duly sworn, on oath deposes and says:

OND & SHOULD BE ABLE TO TAKE CARE OF HIMSELF. I THEN TOLD HER ABOUT HIM TELLING ZACK THAT HE WAS PLANNING ON GOING TO FLORIDA & KILLING HIMSELF. I ALSO TOLD HER THAT HE HAD COME BY THE HOUSE LAST NIGHT WHILE I WAS OUT IN A CAR & THAT HE HAD A COUPLE OF CREDIT CARDS. I THEN TOLD HER I WOULD CALL HER LATER & LET HER KNOW IF I FOUND ANYTHING OUT.

I ARRIVED AT HOME AROUND 12:00 NOON & WALKED INTO MY KITCHEN WHERE I NOTICED A NOTE ON THE TABLE. IT WAS A SUICIDE NOTE FROM MY BROTHER. I IMMEDIATELY CALLED MY MOM & TOLD HER WHAT I HAD FOUND. SHE THEN TOLD ME WHAT SHE HAD HEARD ON THE NEWS, AN OLD WOMAN WAS MISSING FROM COLLINGB CREEK MALL & A DESCRIPTION OF A MALE THAT HAD BEEN SEEN WITH HER & THAT SOMEONE FITTING THIS DESCRIPTION

Tonya Thorp

SUBSCRIBED AND SWORN TO BEFORE ME THIS 5 DAY OF OCT A.D. 2000



Matt Myers  
NOTARY PUBLIC, DALLAS COUNTY, TEXAS

00813

City of Garland  
POLICE DEPARTMENT  
AFFIDAVIT IN ANY FACT

THE STATE OF TEXAS

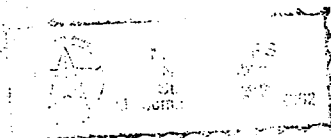
COUNTY OF DALLAS

BEFORE ME, Matt Myers, a Notary Public in and for said County, State of Texas, on this day personally appeared TOMYA THORP Who, after being by me duly sworn, on oath deposes and says:

HAD BEEN SEEN AT A MOTORCYCLE SHOP IN RICHARDSON WITH 2 TEENAGE BOYS. I TOLD HER I HAD TO GO & LEFT MY HOUSE IMMEDIATELY FOR APOLLO JR. HIGH WHERE MY DAUGHTER ATTENDS SCHOOL TO VERIFY WHETHER ZACK & RYAN HAD GONE TO A MOTORCYCLE SHOP WITH MY BROTHER. THEY HAD. THEY SAID THAT I HAD BOUGHT THEM BOTH A GO-PEL AS WELL AS ONE FOR HIMSELF. AT THIS POINT CAROL YARDHAM CALLED THE POLICE OFFICER AT THE SCHOOL & TOLD HIM WHAT WAS GOING ON & THEN THE GARLAND POLICE DEPARTMENT WAS CALLED & HERE I AM, AT THE POLICE STATION IN GARLAND WRITING OUT A STATEMENT.

Tomya Thorp

SUBSCRIBED AND SWORN TO BEFORE ME THIS 5 DAY OF OCT A.D. 2000



Matt Myers  
NOTARY PUBLIC, DALLAS COUNTY, TEXAS

00814

**DISCOVER CARD, INC.**

Richard Shollenberger  
P.O. Box 48187  
Fort Worth, TX 76148

Telephone 817-581-2928  
Fax 817-581-4943

January 12, 2001

Dallas Dist. Atty. Office  
133 N. Industrial Blvd.  
Lock Box 19  
Dallas, TX 75207  
Attn: Willie Richardson

RE: 6011 0080 5062 7147 & 6011 0085 3069 7884

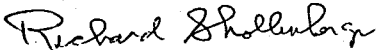
Dear Mr. Richardson:

Enclosed are documents pertaining to the accounts of Bertie Cunningham and Frances Conner. The first page on the Cunningham account is titled "fednet detail review". This shows the authorizations with the time in EST. The next three pages titled "expanded Authorization" show the three fraud charges with the exact dollar amount. The next two pages are the statement pages for the account showing the charges posted to the account.

The two pages on the Conner account show an attempt of a cash advance, but it was declined. We checked the location and it took place at 9620 Harry Hines Blvd., Dallas, TX and had no camera.

If you need anything else, let me know.

Sincerely,

  
Richard Shollenberger  
Regional Field Investigator

00815



6011 0080 5062 7147 \* DISCOVER CARD \* DSC052 @1FA 10/06/CC  
 \* FEDNET DETAIL REVIEW \*  
 CUNNINGHAM, BERTIE \* NO AUTH BUYERS \* 14:26:44  
 \* FOR THIS ACCOUNT \*

GARLAND TX CM EXP DATE: 08/03

10/05 20:24 MA	\$22	PHLLPS 66 AUTH ONLY	OLATHE	KS
10/05 20:09 MA	\$25	COLE MOUNTAIN	TERRELL	TX
10/04 19:45 MA	\$1,728	HQ RICHARDSON MOTOR SPORT	RICHARDSON	TX
10/03 13:35 MA	\$8	HOME DEPOT 556	GARLAND	TX
10/03 PY	\$314-	PAYMENT - THANK YOU		
10/02 17:51 MA	\$17	MFS 81	GARLAND	TX
09/28 15:08 MA	\$10	SNS 225	RICHARDSON	TX
09/25 17:03 MA	\$8	ALBERTSONS 4260	RICHARDSON	TX
09/25 10:29 MA	\$16	MFS 81	GARLAND	TX
09/22 10:47 MA	\$15	SNS 207	GARLAND	TX
09/19 12:41 MA	\$15	CLARK RETAIL ENTERPRISES	GLEN ELLYN	IL
09/18 15:05 MA	\$8	IHOP 1413	PLANO	TX
09/15 10:37 MA	\$13	KROGER DALLAS # 557	GARLAND	TX
09/14 12:10 MA	\$12	ALBERTSONS 4260	RICHARDSON	TX
09/14 11:08 MA	\$21	SEARS 1207	RICHARDSON	TX

F3=SFR F6=MEMOS F7=UP F8=DOWN F9=SFI F11=EXPAND F18=ADD MEMOS

6011 0080 5062 7147 \* DISCOVER CARD \* DSC011 @1FA 10/06/00  
JNNINGHAM,BERTIE \* EXPANDED AUTHORIZATION \* 14:27:27  
\* NO AUTH BUYERS \* GARLAND TX  
\* FOR THIS ACCOUNT \*

DATE: 10/04/00 AUTH CODE: 004541 FULL POSITIVE AUTH  
TIME: 19:45 AUTH TYPE: SWIPED AUTH  
AMOUNT: \$1,728.75 CM EXP DATE: 08/03  
TYPE: MERCHANDISE PURCHASE TRANS EXP DATE: 08/03

PRODUCT: MOTORCYCLE DEALERS

FLOOR LIMIT: \$0

MERCHANT:  
RICHARDSON MOTOR SPORT  
601101029764568  
408 S CENTRAL EXPRESSWAY  
RICHARDSON TX  
75080  
(972) 310-8330  
POS ZIP:

CORPORATE:  
RICHARDSON MOTOR SPORTS LLC  
408 S CENTRAL EXPRESSWAY

RICHARDSON TX  
75080

F1=HELP F3=END

00817

6011 0080 5062 7147 \* DISCOVER CARD \* DSC011 @1FA 10/06/00  
JNNINGHAM, BERTIE \* EXPANDED AUTHORIZATION \* 14:26:51  
\* NO AUTH BUYERS \* GARLAND TX  
\* FOR THIS ACCOUNT \*

DATE: 10/05/00 AUTH CODE: 005037 FULL POSITIVE AUTH  
TIME: 20:24 AUTH TYPE: SWIPED AUTH  
AMOUNT: \$22.29 CM EXP DATE: 08/03  
TYPE: MERCHANDISE PURCHASE TRANS EXP DATE: 08/03

PRODUCT: SERVICE STATIONS

FLOOR LIMIT: \$0

MERCHANT:  
PHILLIPS 66 AUTH ONLY  
601101601100504  
12085 STRING LINE  
OLATHE KS  
66062  
(913) 900-5000  
POS ZIP:

CORPORATE:  
NO CORPORATE INFORMATION  
FOUND FOR MERCAHNT

F1=HELP F3=END

00818

6011 0080 5062 7147 \* DISCOVER CARD \* DSC011 @1FA 10/06/00  
JNNINGHAM, BERTIE \* EXPANDED AUTHORIZATION \* 14:27:17  
\* NO AUTH BUYERS \* GARLAND TX  
\* FOR THIS ACCOUNT \*

DATE: 10/05/00 AUTH CODE: 005464 FULL POSITIVE AUTH  
TIME: 20:09 AUTH TYPE: SWIPED AUTH  
AMOUNT: \$25.28 CM EXP DATE: 08/03  
TYPE: MERCHANDISE PURCHASE TRANS EXP DATE: 08/03

PRODUCT: EATING PLACES, RESTAURANTS FLOOR LIMIT: \$0

MERCHANT: CORPORATE:  
COLE MOUNTAIN CULPEPPER CATTLE & CATERING  
601101701735373 303 I 30 EAST  
419 E MOORE AVE  
TERRELL TX ROCKWALL TX  
75160 75087  
(972) 240-4980  
POS ZIP: 75160

F1=HELP F3=END

00819

6011 0080 5062 7147 CARDMEMBER STATEMENT 15:02:33 01/12/01  
 JNNINGHAM, BERTIE CLOSING DATE: 10/16/00  
 VIEW DATE: 10 / 00

CREDIT LIMIT: 10000	PAYMENT DUE DATE: 11/13/00	PREVIOUS BALANCE:	314.37
CREDIT AVAIL: 8093	MIN PAYMENT DUE: 39.00	PAYMENTS/CREDITS: -	314.37
	AMOUNT PAST DUE: 0.00	PURCHASES/MISC: +	1906.30
		CASH ADVANCES: +	0.00
		BALANCE TRANSFERS: +	0.00
		FINANCE CHARGES: +	0.00
		NEW BALANCE: =	1906.30

\*STATEMENT IS ON HOLD

PAYMENTS AND CREDITS	10/03 PAYMENT - THANK YOU	314.37-
MERCHANDISE/RETAIL	10/03 HOME DEPOT 556 GARLAND TX	8.57
RESTAURANTS	09/18 IHOP #1413 PLANO TX	8.26
	10/05 COLE MOUNTAIN REST TERRELL TX	30.28
GAS/AUTOMOTIVE	09/19 CLARK 00020080290 QQ GARLAND TX	14.02
	10/04 RICHARDSON MOTOR SPORT RICHARDSON TX	1,728.75
	10/05 COWBOYS QUICK TERRELL TX	22.29
SUPERMARKETS	09/14 ALBERTSON'S #42 390461 RICHARDSON TX	12.39
	09/15 KROGER #557 SL9 GARLAND TX	13.79
	09/22 SACK N SAVE #207 GARLAND TX	15.14

F5-CBB F6-FC F8-DOWN  
 F9-PREV F10-NEXT F11-VIEW DETAIL F14-ADJ F15-REPRINT  
 MSG: MORE PAGES FOR THE STATEMENT EXIST

6011 0080 5062 7147      CARDMEMBER STATEMENT      15:02:57      01/12/01  
JNNINGHAM, BERTIE      CLOSING DATE: 10/16/00  
VIEW DATE: 10 / 00  
SUPERMARKETS      09/25 MINYARD #081 GARLAND TX      16.33  
09/25 ALBERTSON'S #42 390461 RICHARDSON TX      8.94  
09/28 SACK N SAVE #225 RICHARDSON TX      10.03  
10/02 MINYARD #081 GARLAND TX      17.51

F9-PREV F10-NEXT F11-VIEW DETAIL  
MSG: LAST PAGE OF THE STATEMENT

F5-CBB F6-FC F7-UP  
F14-ADJ F15-REPRINT

6011 0085 3069 7884 \* DISCOVER CARD \* DSC011 @518 10/05/00  
CONNER, FRANCES LOUISE \* EXPANDED AUTHORIZATION \* 09:05:02  
\* NO AUTH BUYERS \* DALLAS TX  
\* FOR THIS ACCOUNT \*

DATE: 10/05/00 DECLN CODE: 2A INVALID PIN NUMBER ENTERED  
TIME: 05:33 AUTH TYPE: ATM AUTH  
AMOUNT: \$201.50 CM EXP DATE: 03/05  
TYPE: DECLINED AUTHORIZATI TRANS EXP DATE: 03/05

PRODUCT: FINANCIAL INSTITUTIONS, ATM'S FLOOR LIMIT: \$0

MERCHANT:  
MAC/PHILDELPHIA NAT'L  
601101089892044  
PO BOX 3016 ATTN: ATM  
NEW ALBANY OH  
43054  
(614) 830-0030  
POS ZIP:

CORPORATE:  
NOVUS NETWORK SERVICES  
ATM CLIENT RELATIONS  
PO BOX 28543  
COLUMBUS OH  
43228

F1=HELP F3=END

6011 0085 3069 7884 \*

## DISCOVER CARD

\* DSC052 @518 10/05/00

CONNER, FRANCES LOUISE

 \* FEDNET DETAIL REVIEW  
 \* NO AUTH BUYERS \*  
 \* FOR THIS ACCOUNT \*

09:06:40

CM EXP DATE: 03/05

DALLAS

TX

10/05 05:33 CD	\$201	MAC/PHILDELPHIA NAT'L	NEW ALBANY	OH
10/04 15:58 MA	\$32	JC PENNEY AUTH RETAIL	DALLAS	TX
10/04 12:55 MA	\$46	DILLARDS, AUTH ONLY	LITTLE ROCK	AR
10/03 13:59 MA	\$14	ECKERD 0943	RICHARDSON	TX
10/03 13:42 MA	\$20	ALBERTSONS 4260	RICHARDSON	TX
10/02 17:02 MA	\$9	DRUG EMPORIUM 14	RICHARDSON	TX
09/29 16:44 MA	\$44	ALBERTSONS 4260	RICHARDSON	TX
09/26 16:05 MA	\$12	MERVYN'S AUTH ONLY	PHOENIX	AZ
09/25 17:08 MA	\$52	ALBERTSONS 4260	RICHARDSON	TX
09/22 15:30 MA	\$13	WALMART*SAMS CLUB AUTH	BENTONVILLE	AR
09/13 16:30 MA	\$12	HQ WALGREEN ELECTRONIC	DANVILLE	IL
09/13 14:33 MA	\$98	HQ V TERRY MILLER, DDS	DALLAS	TX
09/11 10:18 NM		TAAP ACCOUNT	JALICEA	
09/04 PY	\$213-	PAYMENT - THANK YOU		
09/01 04:26 NM		PRELIMINARY REISSUE		

F3=SFR F6=MEMOS F7=UP F8=DOWN F9=SFI F11=EXPAND F18=ADD MEMOS

00823



CHARGES ON BERTIE CUNNINGHAM AND FRANCIS CONNERS CREDIT CARDS

*Det  
Delmar*

0-4-2000

CUNNINGHAM MASTERCARD #5544260010255141

4:03 PM ATTEMPT AT ATM, WASHINGTON MUTUAL FOR \$200.00, 1225 E. BELT LINE RIC  
4:04 PM ATTEMPT AT ATM, WASHINGTON MUTUAL FOR \$200.00, 1225 E. BELT LINE RIC  
4:16 PM ATTEMPT AT ATM, WASHINGTON MUTUAL FOR \$ 40.00, 1225 E. BELT LINE RICHARDSON  
4:17 PM ATTEMPT AT ATM, WASHINGTON MUTUAL FOR \$ 40.00, 1225 E. BELT LINE RICHARDSON

CUNNINGHAM DISCOVER CARD #6011008050627147

6:45 PM RICHARDSON MOTOR SPORTS FOR \$1,728.75, 408 S. CENTRAL EXPRESSWAY RICHARDSON

CUNNINGHAM MASTERCARD #5544260010255141

11:30 PM ATTEMPT AT ATM, RACETRACK FOR \$200.00, 9620 HARRY HINES DALLAS

10-5-2000

FRANCIS CONNER DISCOVER CARD #6011008530697884

4:33 AM ATTEMPT AT ATM, RACETRACK FOR \$200.00, 9620 HARRY HINES DALLAS

CUNNINGHAM MASTER CARD #5544260010255141

4:34 AM ATTEMPT AT ATM, RACETRACK FOR \$100.00, 9620 HARRY HINES DALLAS

CUNNINGHAM DISCOVER CARD #6011008050627147

6:18 PM COWBOYS QUICK STOP SERVICE STATION FOR \$22.29, 214 E. MOORE AVE. TERRELL

CUNNINGHAM MASTER CARD #5544260010255141

6:35 PM CHACHO'S

6:43 PM CHACHO'S

CUNNINGHAM DISCOVER CARD #6011008050627147

9:05 PM COLE MOUNTAIN CATERING FOR \$30.28, 419 E. MOORE AVE. TERRELL

WITNESS INFO

WASHINGTON MUTUAL- MONTY DUNN, 3550 FOREST LANE DALLAS 214-353-9646

DISCOVER CARD- RICHARD SHOLLENBERGER P.O. BOX 48187 FORT WORTH TX. 76148 817-581-2928

MASTER CARD, THE ASSOCIATES-, CESAR A. DE LA TORRE, 6400 LAS COLINAS IRVING TEXAS 972-653-3532

GEORGE POTEET, W/M 1-4-72, TX. DL. 07494520, H. 201 TIMBER COURT ST. PT. 714 TERRELL TX. NO HOME PHONE,  
BUSINESS COLE MOUNTAIN CATERING, 419 E. MOORE AVE. TERRELL 972-524-0498. DAD- GEORGE POTEET,

HOLLOW HORN WILLS POINT 75169, 903-560-0785.

POTEET WAITED ON MURPHY WHO PAID FOR TWO MEALS WITH A DISCOVER CARD, POTEET IS NOT SURE THAT  
HE CAN IDENTIFY MURPHY.

DAN HAGGLER EMPLOYEE AT COLE MOUNTAIN CATERING 419 E. MOORE AVE. TERRELL TX. 972-524-0498

DET. DELMAR CONTACTED HAGGLER WHO FOUND THE CREDIT CARD RECEIPT, PLACED IT IN A ENVELOPE AND  
THEN INTO THE BUSINESS SAVE ON 10-6-00 FOR DET. DELMAR TO RETRIEVE.

SHERRY WAGNER, W/F 10-18-72 TX. DL. 04873304, H. 508 E. ONEAL WILLS POINT 75159 WITH NO TELEPHONE,  
BUSINESS COLE MOUNTAIN CATERING 419 E. MOORE AVE. TERRELL 972-524-0498, MOTHER KAREN FOSTER AT  
RT.1 FM 2112 WILLS POINT 903-873-3239.

WAGNER REMOVED THE ENVELOPE FROM THE SAFE AND REMOVED THE CREDIT CARD RECEIPT TO SHOW TO  
HER BOYFRIEND, JOEY CAGLE AND HER MOTHER, KAREN FOSTER. PUTTING THE RECEIPT BACK IN THE SAFE.

KENNETH PHILLIPS, W/M 1-22-62, H.826 N. VIRGINIA TERRELL 75160, 972-524-5460. BUSI. 214 E. MOORE AVE.  
TERRELL TX. 75160, 972-524-2301, BOSS DANNY ALI.

PHILLIPS BELIEVES THAT HE CAN IDENTIFY THE MURPHY IN A LINEUP. PHILLIPS SAID HE WAS BUSY THAT DAY BUT THAT MURPHY IS A REGULAR CUSTOMER. PHILLIPS WILL CHECK ON THE VIDEO TAPE.

MARK LANDRUM, 214-358-5093  
LANDRUM IS THE MANAGER OF THE RACETRACK, 9620 HARRY HINES BLVD DALLAS. LANDRUM STATED THAT THE ATM IS ACROSS THE PARKING LOT AND THAT HE WOULD CHECK HIS RECEIPTS AND VIDEO TAPE.

Oct 10 00 09:57a

Richard Shollenberger

817-581-4943

p.2

6011 0080 5062 7147 \* DISCOVER CARD \* DSC052 @1FA 10/06/00  
 \* FEDNET DETAIL REVIEW \*  
 \* NO AUTH BUYERS \* 14:26:44  
 \* FOR THIS ACCOUNT \*  
 CUNNINGHAM, BERTIE  
 GARLAND TX CM EXP DATE: 08/03

10/05 20:24 MA	\$22	PHLLPS 66 AUTH ONLY	OLATHE	KS
10/05 20:09 MA	\$25	COLE MOUNTAIN	TERRELL	TX
10/04 19:45 MA	\$1,728	HQ RICHARDSON MOTOR SPORT	RICHARDSON	TX
10/03 13:35 MA	\$8	HOME DEPOT 556	GARLAND	TX
10/03 PY	\$314-	PAYMENT - THANK YOU		
10/02 17:51 MA	\$17	MFS 81	GARLAND	TX
09/28 15:08 MA	\$10	SNS 225	RICHARDSON	TX
09/25 17:03 MA	\$8	ALBERTSONS 4260	RICHARDSON	TX
09/25 10:29 MA	\$16	MFS 81	GARLAND	TX
09/22 10:47 MA	\$15	SNS 207	GARLAND	TX
09/19 12:41 MA	\$15	CLARK RETAIL ENTERPRISES	GLEN ELLYN	IL
09/18 15:05 MA	\$8	IHOP 1413	PLANO	TX
09/15 10:37 MA	\$13	KROGER DALLAS # 557	GARLAND	TX
09/14 12:10 MA	\$12	ALBERTSONS 4260	RICHARDSON	TX
09/14 11:08 MA	\$21	SEARS 1207	RICHARDSON	TX

F3=SFR F6=MEMOS F7=UP F8=DOWN F9=SFI F11=EXPAND F18=ADD MEMOS

Oct 05 00 08:32a

Richard Shollenberger

817-581-4943

p.3

6011 0080 5062 7147 \*  
CUNNINGHAM, BERTIE

DISCOVER CARD  
\* EXPANDED AUTHORIZATION  
\* NO AUTH BUYERS \*  
\* FOR THIS ACCOUNT \*

\* DSC011 @518 10/05/00  
\* 08:58:43  
GARLAND TX

DATE: 10/04/00  
TIME: 19:45  
AMOUNT: \$1,728.75  
TYPE: MERCHANDISE PURCHASE

AUTH CODE: 004541 FULL POSITIVE AUTH  
AUTH TYPE: SWIPED AUTH  
CM EXP DATE: 08/03  
TRANS EXP DATE: 08/03

PRODUCT: MOTORCYCLE DEALERS

FLOOR LIMIT: \$0

MERCHANT:  
RICHARDSON MOTOR SPORT  
601101029764568  
408 S CENTRAL EXPRESSWAY  
RICHARDSON TX  
75080  
(972) 310-8330  
POS ZIP:

CORPORATE:  
RICHARDSON MOTOR SPORTS LLC  
408 S CENTRAL EXPRESSWAY  
RICHARDSON TX  
75080

F1=HELP F3=END

00827

Oct 05 00 08:32a

Richard Shollenberger

817-581-4943

p.2

6011 0085 3069 7884 \* DISCOVER CARD \* DSC011 @518 10/05/00  
CONNER, FRANCES LOUISE \* EXPANDED AUTHORIZATION \* 09:05:02  
\* NO AUTH BUYERS \* DALLAS TX  
\* FOR THIS ACCOUNT \*

DATE: 10/05/00

TIME: 05:33

AMOUNT: \$201.50

TYPE: DECLINED AUTHORIZATI

DECLN CODE: 2A INVALID PIN NUMBER ENTERED  
AUTH TYPE: ATM AUTH

CM EXP DATE: 03/05  
TRANS EXP DATE: 03/05

PRODUCT: FINANCIAL INSTITUTIONS, ATM'S

FLOOR LIMIT: \$0

MERCHANT:

MAC/PHILDELPHIA NAT'L  
601101089892044  
PO BOX 3016 ATTN: ATM  
NEW ALBANY OH  
43054  
(614) 830-0030  
POS ZIP:

CORPORATE:

NOVUS NETWORK SERVICES  
ATM CLIENT RELATIONS  
PO BOX 28543  
COLUMBUS OH  
43228

F1=HELP

F3=END

00828

00829

\*WD CIMS WORKCASE DISPLAY 6509 01/12/01 16:22:16

WORKCASE NO 5732345	TYPE USTATUS FRAUD REF USTATU	RECEIPT DATE 101100
CSR ID 33U	REASSIGN REASON	ENTRY DATE 101100
WORKCASE AMT 19	CURRENT BALANCE 104.08	ENTRY OP/TERM 777/ALYP
PRIORITY N		SOURCE CODE
ACCOUNT 5544260010255141		COMPLIANCE DATE
PRIMARY CUNNINGHAM, BERTIE L		TARGET DATE 011001
SECONDARY		REVIEW DATE 120200
ADDRESS 1 2749 LAUREL OAKS		RESOLVE DATE 011201
ADDRESS 2		RESOLVE CODE
ADDRESS 3 GARLAND TX 75044-6939		HM PHON 972-530-7987
		WK PHON
		SOC-SEC 411124340
AUTH FLAG Y	INT/EXT D Z	CYCLE CODE 25
		HOLD CODE C
		RSN CODE 88
CLIENT 1	CLIENT 2	CLIENT 3
NOTEPAD	MORE NOTEPAD LINES	
CIS MEMO 023	!ASSGN INV #19 STLN \$104.08 #5732345...NH/CSU	
CIS MEMO 029	RECVD FILE..AFF SNT/DRFT ORDRD...JG/FRD	
PF1 HELP	PF2 NON-MON	PF4 NEXT IN QUEUE
PF6 ACCT SEARCH	PF10 NOTEPAD	PF11 SCENARIO
		PF5 RESOLVE WORKCASE
		VDCMSWD 04

\*SL  
CUNNINGHAM,BERTIE L\*\*2749 LAUREL OAKS\*\*GARLAND\*TX\*75044-6939\*5544260010255141  
WB 998  
4P 9725307987 WP 0000000000 PDB 000000 SDB 000000 CL 1 CI 1 ST U WM  
4 DL 100500 DR 100600 PS EX 0403 LD 010200 LB 0000829 PD PN N  
TB TF PF Y TL 01 LL 1 AL TX FR 19 01 101100 TM 0729 A RI WBA NC SF4  
XREF-2 0000000000000000 XREF-3 0000000000000000 ADDR FL Y STS RSN 88  
CM KINAPPED FROM HOME.....SUSPECT USED CC ON 10/05 & WAS ARSTD BY  
GARLAND PD 10/06 TGF/FRAUD



\*FAI 5544260010255141  
 CUNNINGHAM, BERTIE L      LOSS    LOSS    LOSS    REPORT    FRAUD    FRAUD    INV  
 5544 2600 1025 5141      DATE    TYPE    AREA    DATE    DATE    AREA    BY  
 TRACK L O U O      100500 01    TX    100600 101100 01    19  
 OPEN DATE 04/00    EXPR DATE 04/03    WB DATE 000000    BULLETIN AREAS YYYYYYYYYYYY

CD	DTYPE	CBIN	INEL	CHARGED TO	E DATE	SEQ #	AC	CTCD	RRDATE	TD
TC	AMT			MRCH DESC		CITY		ST	CBR	DATE
F1				PENDING	10/06/00	00280001	N	5411		100500
253				33.64 CHACHO'S		TERRELL		TX		
F1				PENDING	10/06/00	00280002	N	5411		100500
253				70.44 CHACHO'S		TERRELL		TX		

FRAUD TOTALS NOT FOUND

==>    \*\* NO MORE PAGES AVAILABLE FOR THIS REQUEST

VSSCDRV2 1C

20 777 101100 W 5732306 FRAUDREF OPENED  
19 100600 N KE5H463 NM-028 NEW REASON CODE = 35OLD REASON CODE = 00  
18 100600 N KE5H463 NM-016 = L; PREV STATUS =  
17 MSP 100600 C XFER TO X32433 TO SPEAK WITH FRAUD INVSTGATIONS...WB/FALL  
16 MSP 100600 C XFER ALL CALLS TO X32433 TO SPEAK WITH FRAUD INVESTIGATIONS...  
15 MSP 100600 C B/FALL  
14 MSP 100500 C TT COMMANDER JODI LAY FROM GARLAND POLICE DEPT. WAS WANTING TO  
13 MSP 100500 C KNOW WHERE CHRGS TOOK PLACE. ADV HIM OF THE CITIES THAT THEY W  
12 MSP 100500 C RE IN. MR.LAY'S # IS 972-207-2079. HE SAID TO SPEAK WITH HIM,  
11 MSP 100500 C R LUTINENT KEITH THOMPSON. HE REQUESTED TO BE NOTIFIED IF ANY  
10 MSP 100500 C EW CHRGS TAKE PLACE ON ACCT...WB/FALL  
09 FAL 100500 C FALCON REVIEWED ACCOUNT ACTIVITY  
08 FAL 100500 C FALCON REVIEWED ACCOUNT ACTIVITY  
07 VBZ 100500 C DO NOT BLOCK THIS ACCT LEAVE OPEN FOR FRAUD INVESTIGATORS AND  
06 VBZ 100500 C DET WORKING THE CASE FOR THE FAMILY MEMBERS CLOSE ACCT ONLY IF  
05 VBZ 100500 C FRAUD INVESTIGATORS SAY TO!!!!!!!!!!!!!! SM/FAL2  
04 VBZ 100500 C HI 805,RVD ACCT CLLD CH HP TTCH DAUGHTER CH WAS KIDNAPPED LAST  
03 VBZ 100500 C NIGHT ADVISED FAMILY MEMBERS TO HAVE THE DET. WORKING THEIR

Oct 10 00 09:57a

Richard Shollenberger

817-581-4943

p.3

6011 0080 5062 7147 \*\* DISCOVER CARD SERVICES \*\*  
VIEW DETAIL

10/10/00  
10:49:30  
@0B2

CM NAME : CUNNINGHAM, BERTIE  
CM ADDR : 2749 LAUREL OAKS DR  
STMT LINE : 4  
TRAN DATE : 10/05/00  
POST DATE : 10/05/00  
TRAN AMT : 30.28  
TRAN CODE : 253  
MRCH NUM : 601101701735373  
MRCH POST : 10/08/00  
MRCH NAME : COLE MOUNTAIN  
REF NUM 17: R 9882 99 MAX2CGLHG9  
DET L DESC: COLE MOUNTAIN REST TERRELL TX  
GARLAND TX 75044-6939  
MRCH ADDR: 419 E MOORE AVE  
TERRELL TX 75160  
REF NUM 23: R 9882 99 0282 999 000 C0000 9  
TYP SYS PFX DATE ID BOX BATCH CD  
NEW TRAN CODE / EXT: 1720 / 001001

PF3 = END

MSG:

00834



Oct 10 00 09:58a

Richard Shollenberger

817-581-4943

p.4

6011 0080 5062 7147 \*\* DISCOVER CARD SERVICES \*\*  
VIEW DETAIL

10/09/00  
09:02:28  
@56C

CM NAME : CUNNINGHAM, BERTIE  
STMT LINE : 7  
TRAN DATE : 10/05/00  
POST DATE : 10/05/00  
TRAN AMT : 22.29  
TRAN CODE : 253  
MRCH NUM : 601101601100520  
MRCH POST : 10/08/00  
MRCH NAME : PHILLIPS 66 COMPANY  
REF NUM 17: R 9882 05 MA023YCB21  
REF NUM 23: R 9882 05 0282 002 280 00876 9  
CM ADDR : 2749 LAUREL OAKS DR  
GARLAND TX 75044-6939  
DETL DESC: COWBOYS QUICK TERRELL TX  
MRCH ADDR: PO BOX 66 CCC  
BARTLESVILLE OK 74005-0007  
NEW TRAN CODE / EXT: 1720 / 001001

PF3 = END

MSG:

00835

**Washington Mutual****STATEMENT OF ACCOUNT**

1. FEE FOR EACH OVERDRAWN ITEM,  
WHETHER PAID OR RETURNED, IS \$25.00.

TO REACH CUSTOMER SERVICE, PLEASE CALL  
TELEPHONE BANKING AT 1-800-788-7000.

23,295

01-E-85

BERTIE L CUNNINGHAM  
OR ALICE S CZOLBA  
2749 LAUREL OAKS DR  
GARLAND TX 75044-6939

STATEMENT PERIOD:  
FROM 07-06-00  
THRU 08-02-00

8

GIVE YOUR HOME A FACELIFT.  
ADD A MASTER BATH. RESHAPE YOUR KITCHEN. TRIM YOUR HIGH INTEREST.  
ASK US ABOUT OUR AMAZING HOME EQUITY LOAN!

INTEREST CHECKING		WASHINGTON MUTUAL BANK, FA		FDIC INSURED	
BERTIE L CUNNINGHAM OR ALICE S CZOLBA		ACCOUNT NUMBER:		696-046188-7	
		OVERDRAFT LIMIT		1,000.00	
SUBJECT TO A PER ITEM OVERDRAFT TRANSACTION CHARGE					
BEGINNING BALANCE		TOTAL WITHDRAWALS		TOTAL DEPOSITS	
6,503.11		1,558.92		1,690.69	
				ENDING BALANCE	
				6,634.88	

INTEREST PAID: 4.35 ANNUAL PERCENTAGE YIELD EARNED : 1.00 % YTD INTEREST PAID : 34.35  
YTD INTEREST WITHHELD: .00

DATE	WITHDRAWALS	DEPOSITS	TRANSACTION DESCRIPTION
7/17		104.43	CUSTOMER DEPOSIT
7/18	60.00		ATH-NCHG S2B06007 4906 N. JUPITER GARLAND 77 0718
7/25	100.00		ATH-NCHG S2B06007 4906 N. JUPITER GARLAND 09 0725
7/01		1,159.91	US TREASURY 312 CIVIL SERV F 2398908 W CSF
7/02		422.00	US TREASURY 303 SOC SEC
7/02		4.35	INTEREST PAYMENT

**DETAIL OF CHECKS PAID:**

CHECK NUMBER	DATE PAID	AMOUNT	CHECK NUMBER	DATE PAID	AMOUNT	CHECK NUMBER	DATE PAID	AMOUNT
679	07/06	150.00	683	07/14	37.63	687	07/21	8.88
681	07/26	45.00	684	07/17	938.72	688	07/28	35.00
682	07/12	46.69	685	07/13	137.00			

OTE: \* INDICATES CHECK OUT OF SEQUENCE

*Monty Dunn*  
*214-353-9646*

00836



THE ASSOCIATES

*Facsimile*

*"2000: Proud of Our Past;  
Passionate about Our Future"*

**DATE:** 10/11/2000 1:19 PM

**TO:** Detective Delmar

**FAX#:** 972.205.2894

**SUBJECT:** Authorization Detail for 'Bertie Cunningham' Account

**FROM:** Cesar A. De La Torre

**FAX #:** 972.653.8546

**PAGES:** 2 (Includes Cover)

Enclosed is the authorization information, which we had discussed. We do not have the actual ATM report, which would provide the terminal information. Though the authorization detail provides the following information:

ATM	Location	Date	Time
Washington (Mutual)	1225 E. Belt Line, Richardson	10/4	16:03:41
Washington (Mutual)	1225 E. Belt Line, Richardson	10/4	16:04:04
Washington (Mutual)	1225 E. Belt Line, Richardson	10/4	16:16:51
Washington (Mutual)	1225 E. Belt Line, Richardson	10/4	16:17:12
Banc One	9620 Harry Hines, Dallas	10/4	23:30:40
Banc One	9620 Harry Hines, Dallas	10/5	04:34:03
Chacho's	Terrell TX	10/5	18:35:04
Chacho's	Terrell TX	10/5	18:43:56

The investigator on the case will be Jerrod Gardenhire - telephone 972.653.5656.

Please let me know if you have any questions regarding this fax at 972.653.3532.

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**WEDNESDAY 10-4-00**

**2:30PM**

THE VICTIM LEAVES HER RESIDENCE TO GO TO COLIN CREEK MALL

**2:55PM**

VICTIM USES FRANCES CREDIT CARD AT JC PENNEY IN COLIN CREEK MALL. PURCHASES A ROBE. AMOUNT OF SALE IS \$32.73

**4:03PM**

**4:04PM**

**4:16PM**

**4:17PM**

DEFENDANT MAKES FOUR ATTEMPTS TO USE THE VICTIM'S MASTER CARD. ALL TRANSACTIONS OCCUR AT ATM MACHINE LOCATED AT 1225 E BELT LINE IN RICHARDSON. THE NAME OF THIS BUSINESS IS SAVING'S OF AMERICA

**5:00PM to**

**6:00PM**

VICTIM'S SISTER, EVELYN, BECOMES CONCERNED BECAUSE VICTIM DID NOT RETURN HOME

**5:30PM**

THE DEFENDANT PICKS UP HIS NEICE, AHSLEIGH JOHNSON, AT HER RESIDENCE 1718 BARCLAY IN RICHARDSON. HE IS DRIVING THE VICTIM'S CAR A SHORT TIME LATER THEY PICK UP ZACHRY MAMOT AND RYAN HAMMONDS.

**6:05PM**

MURPHY DROPS OFF HIS NEICE AT 1718 BARCLAY. MURPHY AND ZACHRY MAMOT AND RYAN HAMMONDS DRIVE OFF IN THE CAR



**6:20PM**

RICHARDSON MOTORSPORT SALESPERSON, BOBBY HARP, ESTIMATES THE DEFENDANT AND TWO BOYS ARRIVE AT RICHARDSON MOTORSPORT.

**6:49PM**

TIME RECORDED ON THE CASH REGISTER RECEIPT AT RICHARDSON MOTORSPORT

**7:00PM to  
7:30PM**

MURPHY AND ZACHRY MAMOT ARE SEEN RIDING THE GO-PEDS AT HUFFINES PARK IN RICHARDSON. CAUGHT ON VIDEO TAPE

**8:00PM**

THE VICTIM'S SISTER EVELYN, CALLS GARLAND POLICE AND MAKES A MISSING PERSON REPORT.

**9:00PM**

WITNESS, PHILLIP SHAUN CRUZ, ESTIMATES TIME DEFENDANT ARRIVES AT HIS HOUSE LOCATED AT 1922 MATTERHORN IN GARLAND

**11:15PM**

LT THOMPSON NOTIFIED AND RESPONDS TO GPD

**11:30PM**

DEFENDANT ATTEMPTS TO USE VICTIM'S MASTER CARD TO OBTAIN CASH. TRANSACTION OCCURS AT 9620 HARRY HINES BLVD IN DALLAS

**12:00 MIDNIGHT**

**DETECTIVE MYERS NOTIFIED AND RESPONDS TO GPD**

**THURSDAY 10-5-00**

**2:00AM**

DETECTIVE MYERS AND LT THOMPSON CHECK AREA OF COLIN CREEK MALL AND RICHARDSON MOTORSPORT

**4:00AM**

DETECTIVE MYERS AND LT THOMPSON CONTACT EVELYN SHELTON AT THE VICTIM'S RESIDENCE

**4:34AM**

DEFENDANT ATTEMPTS TO USE VICTIMS'S MASTER CARD TO OBTAIN CASH. TRANSACTION OCCURS AT 9620 HARRY HINES BLVD.

**8:00AM**

DETECTIVE MYERS AND DETECTIVE BROWN ALONG WITH FORENSIC INVESTIGATORS ROGERS AND MOWERY ARRIVE AT RICHARDSON MOTORSPORT TO INTERVIEW MARK CANNON AND OBTAIN EVIDENCE. ASSERTAIN THE NAME J ISAAC MURHPEY FROM WARRANTY PAPERS.

**11:00AM**

LT THOMPSON CONTACTS TERRELL PD AND LEARNES THEY HAVE HANDLED A SUBJECT NAMED JEDIDIAH ISAAC MURPHY. INVESTIGATORS FIND TX ID CARD FOR MURPHY WITH 1718 BARCLAY ADDRESS.

**8:00AM**

**12:00 NOON**

TONYA THORP ADISED SHE LEFT HER RESIDENCE AT 1718 BARCLAY IN RICHARDSON AT APPROXIMATELY 8:00AM TO GO

TO WORK. WHEN SHE RETURNED TO THE RESIDENCE AT APPROXIMATELY 12:00 NOON SHE FOUND THE SUICIDE NOTE.

**12:20PM**

DETECTIVE MYERS RESPONDS TO 1718 BARCLAY TO CHECK THE AREA.

**12:30PM**

DETECTIVE MYERS IS ADVISED BY DISPATCH THERE ARE SUBJECTS AT APOLLO JR HIGH IN RICHARDSON THAT HAVE INFORMATION. DETECTIVE MYERS RESPONDS.

**12:35PM**

DETECTIVE BROWN RESPONDS TO APOLLO JR HIGH SCHOOL.

**3:00PM**

**4:00PM**

TRESHOD TARRANT ESTIMATES TIME DEFENDANT ARRIVES AT HIS RESIDENCE IN EDGEWOOD.

**5:00PM**

ERIKA IRWIN ESTIMATES TIME SHE SAW DEFENDANT IN THE VICTIMS CAR AT EDGEWOOD HIGH SCHOOL

**5:27PM**

VICTIM'S CREDIT CARD IS USED AT CHACHO'S IN TERRELL TX IN AMOUNT OF \$33.64

**5:36PM**

VICTIM'S CREDIT CARD IS USED AT CHACHO'S IN TERRELL TX IN AMOUNT OF \$70.44

**6:35PM**

DEFENDANT USES VICTIM'S CREDIT CARD AT CHACHO'S IN  
TERRELL

**6:43PM**

DEFENDANT AGAIN USES VICTIM'S CREDIT CARD AT CHACHO'S  
IN TERRELL

**7:00PM**

DETECTIVE MYERS AND LT THOMPSON RECEIVED BY  
COMMANDER LAY

**9:09PM**

DEFENDANT USES VICTIM'S CREDIT CARD AT COLE MOUNTAIN  
RESTURANT IN TERRELL TO BUY DINNER FOR HIMSELF AND  
TRESHOD TARRANT.

**9:24PM**

DEFENDANT USES VICTIM'S CREDIT CARD AT COWBOY QUICK  
STOP IN TERRELL TO PURCHASE GAS. TRESHOD TARRANT IS  
PRESENT

**FRIDAY 10-6-00**

**2:00AM**

VAN ZANDT COUNTY CALLS TO ADVISE THEY HAVE LOCATED  
THE VEHICLE IN EDGEWOOD

**2:10AM**

DETECTIVES MYERS, TOOKE, VANEK AND MENDOZA ALONG  
WITH LT THOMPSON AND COMMANDER LAY LEAVE GPD  
ENROUTE TO EDGEWOOD

MURPHY IS ARRESTED BY VAN ZANDT SHERIFF DEPUTY GARY  
ROSE

MURPHY TELLS WILLS POINT POLICE OFFICER, JASON BOHAM,  
WHERE TO FIND THE VICTIM'S BODY

VICTIMS BODY IS LOCATED AND PRONOUNCED DEAD VAN  
ZANDT COUNTY JUSTICE OF THE PEACE



VAN ZANDT COUNTY SHERIFF  
KATHY L. JACKSON  
1220 W. DALLAS  
CANTON, TX. 75103-1016

*To Serve  
&  
To Protect*

Phone: (903) 567-4133  
Fax: (903) 567-5317  
ORI: TX 234000  
Mnemonic Address: CTSZ

October 10, 2000

TO: Detective Matt Myers  
Garland Police Department

FROM: Cpl. J. Branch  
Van Zandt County Sheriff's Department

Ref.: Recovery of Evidence (Creek)  
Item Recovered - One (1) dark colored shirt

Fee: \$200.00 Labor, equipment and maintenance

Mail check to:

Joey Branch  
16060 FM 3204  
Brownsboro, Texas 75756  
903-852-3318

00845

00846



00847

VAN ZANDT COUNTY SHERIFF'S DEPARTMENT  
Supplement Investigative Report

October 6, 2000

Ref: Bertie Lee Cunningham W/F 12-31-1919  
Offender: Jedidiah Isaac Murphy W/M 09-01-1975  
Offense: Murder, Credit Card Abuse and UUMV

On October 5, 2000, I was contacted by the Van Zandt County Sheriff's Department dispatcher that the Sheriff's Department had received several calls in reference to Jedidiah Murphy. The dispatcher stated that people had been calling the Sheriff's Department after the news had aired at 10:00 p.m. in reference to the disappearance of Bertie Cunningham in the Garland area. The dispatcher stated that the reports they had been receiving indicated that Jedidiah Murphy had been seen in Edgewood, Texas, driving a vehicle that matched the description of the vehicle owned by Bertie Cunningham.

At approximately 11:00 p.m. I received a call from the Van Zandt County dispatcher who stated they had received a call from Tracy Erwin in Edgewood, Texas. Tracy stated to the dispatcher that she was related to Jedidiah Murphy. Tracy told the dispatcher that her daughter told her that Jedidiah Murphy had come to the Edgewood High School and spoke with her on October 5, 2000. Tracy's daughter told Tracy that Jedidiah Murphy told her that he was going to come to her house on the night of October 5, 2000. I immediately had the dispatcher to notify Sgt. Rick Goldey to come by my residence to pick up my unmarked unit to set up surveillance at the residence of Tracy Erwin at 207 South Ridge Street in Edgewood, Texas. When Sgt. Rick Goldey arrived at my residence I advised Sgt. Goldey to have at least one other patrol unit to drive the streets of Edgewood and the surrounding area continuously to see if Jedidiah Murphy could be located.

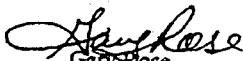
At 1:58 a.m. I was contacted by the Van Zandt County Sheriff's Department that the vehicle belonging to Bertie Cunningham was located at a residence in the city of Edgewood. I met with Sgt. Ronnie Goodson of the Van Zandt County Sheriff's Department and was briefed of the location of the vehicle. Myself and Sgt. Goodson went to the Dairy Queen in Edgewood, Texas, and met with other officers while Sgt. Rick Goldey kept surveillance on the residence. I made contact with Commander Lay of the Garland Police Department that the vehicle of Bertie Cunningham had been located at the residence of Ora Mae Milton on Lamar Street in the city of Edgewood. Commander Lay advised me to go ahead and attempt the arrest of Jedidiah Murphy at the residence and recover the stolen vehicle belonging to Bertie Cunningham. I lead an arrest team consisting of myself, Sgt. Ronnie Goodson, Sgt. Rick Goldey, Cpl. Joey Branch, Deputy Ralph Pool and Deputy James DeCoux all of the Van Zandt County Sheriff's Department. Along with Officer Raymond Keener of the Wills Point Police Department, Officer Jason Bonham of the Edgewood Police Department and Officer Bill Strange. Parameter coverage officers consisted of Sgt. Goodson, Deputy DeCoux, Officer Bonham, Deputy Pool and Officer Strange. At approximately 2:55 a.m. we arrived at the residence located at 509 North Lamar Street. I observed a silver Honda Accord bearing Texas License Plate YLD94Y backed in front of the residence. I approached and knocked on the front door of the residence. Ora Mae Milton met me at the front door. I identified

00848

myself to Mrs. Milton as Gary Rose of the Van Zandt County Sheriff's Department. Mrs. Milton opened the door. I asked Mrs. Milton if Jim Murphy was at her residence. Mrs. Milton stated that he was and that he was in bed asleep. Mrs. Milton asked me, why? I told Mrs. Milton that there was a warrant for his arrest. I walked inside the residence and asked Mrs. Milton where Jim Murphy was and she indicated that to the eastern end of the residence. I walked to the open bedroom located on the southeastern corner of the residence and observed Jedidiah Murphy asleep in the bed on southern wall. Jedidiah Murphy was taken into custody without incident at 2:58 a.m.

I read Jedidiah Murphy his Miranda Rights. I asked Jedidiah Murphy where Bertie Cunningham was. Jedidiah lowered his head and stated it was an accident the gun went off. I asked Jedidiah Murphy if Bertie Cunningham was dead. Jedidiah Murphy stated yes. I asked Jedidiah Murphy where her body was and he stated he did not know. At that time Cpl. Branch stated the key to the silver Honda Accord was in the living room. I walked to the living room and found the key on a table beside the front door. I took the key and walked outside to the silver Honda Accord and opened the trunk. As I opened the trunk I noticed blood on the rear bumper of the vehicle. When I opened the trunk I smelled a pungent odor. I did not see a body inside so I closed the trunk of the vehicle. I advised the other officers that the vehicle was a crime scene and that no one was to touch the vehicle and that the vehicle was not to be moved except by Garland Police Department Investigators. As I walked back inside the residence I was pulled aside by Officer Jason Bonham. Officer Bonham stated that he was talking to Jedidiah Murphy and that Jedidiah told him that the body of Bertie Cunningham was thrown in a creek on Livingston Road (Van Zandt County Road 3602). Myself, Cpl. Joey Branch and Officer Jason Bonham went to the creek on Livingston Road located approximately one mile north of the city of Edgewood, Texas. There we observed the body of Bertie Cunningham in the creek on the west side of the roadway. Bertie Cunningham's body was against the creek bank and culvert, covered with a duffel bag and towels. I left Cpl. Branch and Officer Bonham at the creek to preserve the scene until Garland Police Department Investigators could arrive.

I went back to the Dairy Queen located in Edgewood, Texas, and waited for Investigators from the Garland Police Department. Once the Investigators arrived I briefed them on the arrest of Jedidiah Murphy and the recovery of the body of Bertie Cunningham. I had the Van Zandt County Sheriff's Department dispatcher to contact Justice of the Peace Ozelle Wilcoxson of Precinct 3 at the request of Commander Lay, to be enroute to Edgewood, Texas. I then took Commander Lay and other Investigators to Van Zandt County Road 3602 where the body of Bertie Cunningham was in the creek. I released that crime scene to his Investigators. I then took Commander Lay to the residence located at 509 North Lamar Street and released the silver Honda Accord to his Investigators. We transported Jedidiah Murphy to the Edgewood Police Department where he was arraigned by Judge Ozelle Wilcoxson for the offenses of Credit Card Abuse and Murder. Jedidiah Murphy was released to the Garland Police Department.

  
 Gary Rose  
 Chief Deputy  
 Van Zandt S.O.

00849



## COUNTY of VAN ZANDT

 Sheriff's Department  
 Supplementary Investigation Report
Complainant's Name: Cunningham, Bertie C.F.S.# \_\_\_\_\_Offense: Murder, Credit Card Abuse

Details of Offense, Progress of Investigation, Etc.

Date: 10 Dec . 20 09

On 100500 when I Deputy Delaur came on duty I was given a copy of a region broadcast message to be on the look out for a 1996 Silver Honda Accord bearing Texas license plate YE094X that was last seen in the area of Edgewood. And the vehicle was reported stolen and that the driver may be armed and dangerous.

Deputy Delaur checked the area and was unable to locate the vehicle. Deputy Delaur was then dispatched to a call while out on the call Deputy Delaur heard Col. J. Branch state on the radio that he located the vehicle and for all available units to meet at the Dairy Queen in Edgewood.

Once at the Dairy Queen Deputy Delaur meet with other Deputies and Officers from other agencies. Once the Chief Deputy arrived Deputy Delaur, Sgt. Gordon and Officer Bonham were taken to the street behind the house and dropped off as we made our way to the house other Deputies and officers drove to the house and made entry. Deputy Delaur and Sgt. Gordon along with Officer Bonham secured the outside of the house. Once Jeddiah Murphy was taken into custody Deputy Delaur and Officer Bonham waited with him until Garland P.D. was called officer Bonham spoke with Jeddiah and Jeddiah told officer Bonham where the body of Bertie Cunningham was located. Officer Bonham left with Deputies to find the body while Deputy Delaur waited with Jeddiah once Garland officers arrived Deputy Delaur left the scene and went to where the body was located to relieve officer Bonham. Garland Officer also arrived there and photograph and video taped the scene. And removed the body.

I recommend this case be declared:

 Unfounded  
 Active (Not Cleared)  
 Cleared by Arrest  
 Exceptionally Cleared

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

 Signed: James B. Delaur  
 Investigating Officer

00850



COUNTY of VAN ZANDT  
Sheriff's Department  
Supplementary Investigation Report



Complainant's Name: \_\_\_\_\_ C.F.S.# \_\_\_\_\_

Offense: \_\_\_\_\_

Details of Offense, Progress of Investigation, Etc.

Date: 10 06, 2000

The suspect was identified as Murphy, Jeddiah Isaac.  
LVM DOB 090175 5'10 142 BBP/BBP  
The body was identified as that of Cunningham, Bertie Lee  
WFE DOB 12318 5'04 150 GRAY/142L

I recommend this case be declared:

Unfounded  
Active (Not Cleared)  
Cleared by Arrest  
Exceptionally Cleared

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Signed: James B DeLoach 519  
Investigating Officer

00851



## COUNTY of VAN ZANDT

 Sheriff's Department  
 Supplementary Investigation Report
Complainant's Name: State of TexasC.F.S.# 2000-5735Offense: Recovery of Stolen Vehicle / Evidence Recovery

Details of Offense, Progress of Investigation, Etc.

Date: 10-6 . 20 00

ON 10-6-00 I, Cpl J. BRANN #515 was advised that a Silver Colored 96 Honda 4Dr TX-YLD94Y was stolen out of Garland PD Area and that F.O.J. play was suspected with the disappearance of the vehicle's owner (Victim Cunningham, Rertie). I was patrolling around Edgewood when I was advised that the vehicle, could possibly be at Shad Tarrant's residence with a possible address of 509 Lamar Edgewood TX. I went by the residence and located the victim's vehicle 96 Honda TX YLD94Y parked at the residence. I then notified Sgt Golden #506 and Chief Deputy G. Rose #502 was called to the scene. Chief Deputy G. Rose was advised by Dispatch that the actor aka "Jim" Murphy, Jeremiah Isaac w/m 9-1-75 had outstanding felony warrants out of Garland PD. I, along with G. Rose and several other officers approached the residence and G. Rose spoke with the owner of the residence and asked her if Murphy, "Jim" was there and she said "yes" G. Rose then asked her where he was and she said asleep in the bedroom. We then entered the residence and suspect was located in the bedroom laying on the bed and subject was taken into custody. Tarrant, Shad 8/16-74 was also inside the room laying on another bed. Once suspect (Murphy) was in custody I left the room and went outside to secure my weapon. I then walked by the victim's vehicle and observed a Red colored substance around the trunk area that I thought to be blood.

I recommend this case be declared:

 Unfounded  
 Active (Not Cleared)  
 Cleared by Arrest  
 Exceptionally Cleared

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Signed:

Cpl J. Brann #515  
 Investigating Officer

00852



## COUNTY of VAN ZANDT

 Sheriff's Department  
 Supplementary Investigation Report
Complainant's Name: State of Texas C.F.S.# 2000-5735Offense: Recovery of Stolen Vehicle / Evidence Recovery

Details of Offense, Progress of Investigation, Etc.

Date: 10-6 .2000

I then notified G. Rose of what I saw and he asked me if I had seen any Honda Keys I advised that there was a Honda Key on a piece of furniture in the Living Room. I then went outside and G. Rose came out and opened the vehicles Trunk and failed to locate the victims body. I then stayed outside and several minutes later G. Rose advised that the body was possibly in a creek outside of Edgewood. I, along with G. Rose and Edgewood Officer Rankin #303 got into a vehicle with G. Rose driving and we went down Livingston Rd and located the victim in a creek in the water. Chief Deputy Rose then left me and Officer Rankin on scene with the victim until he returned with several Garland PD officers. I was advised that there was possibly a handgun used in the murder in the water and was asked to dive to attempt to recover it by a Garland PD Detective. I entered the water in the creek soon retrieving my Diving Equipment and located a dark colored shirt in the water near where the victims body was located. I turned over the shirt to a Garland PD Crime Scene officer and I continued to search for the handgun but was unable to locate it and was advised that I could discontinue the search. After I failed to locate any more evidence

I recommend this case be declared:

 Unfounded  
 Active (Not Cleared)  
 Cleared by Arrest  
 Exceptionally Cleared


Signed:

CH J. Rose #15  
 Investigating Officer

00853



FL Vanek 2692

LAW ENFORCEMENT PRESENT AT 509 N LAMAR, EDGEWOOD TX

CHIEF DEPUTY GARY ROSE VAN ZANDT COUNTY SO

DEP ROSE ADVISED THAT THE VEHICLE WAS LOCATED AT 509 N LAMAR AT ABOUT 1:58 AM. HE SAID THAT ENTRY WAS MADE INTO THE HOUSE AT 2:58 AM. ROSE SAID THAT HE CONTACTED ORA MAE MILTON AT THE FRONT DOOR OF THE RESIDENCE. MS MILTON IS THE OWNER OF THE HOUSE. ROSE SAID THAT HE ASKED MS MILTON IF JIM MURPHY WAS THERE AND SHE SAID YES. ROSE ASKED HER WHERE HE WAS AT AND SHE SAID THAT HE WAS ASLEEP IN THE BEDROOM. MS MILTON SHOWED DEPUTIES WHERE JIM WAS AT. DEPUTIES WENT INTO THE BEDROOM AND WOKE UP JIM. HE WAS ASLEEP IN THE BED IN THE SOUTH SIDE OF THE ROOM. DEP ROSE PLACED MURPHY UNDER ARREST AND CHECKED FOR THE GUN IN THE BEDROOM. DEP ROSE ASKED MURPHY WHERE THE KEYS TO THE CAR WERE. MURPHY ADVISED THAT THE KEYS WERE IN THE BED BUT ROSE COULD NOT FIND THEM.

DEP ROSE READ MURPHY HIS RIGHTS. HE ASKED MURPHY WHERE THE OLD LADY WAS. MURPHY STATED "IT WAS AN ACCIDENT, THE GUN WENT OFF". DEP ROSE ASKED MURPHY IF SHE WAS DEAD AND HE SAID YES. ROSE ASKED HIM WHERE SHE WAS AT. MURPHY SAID IN DALLAS. ROSE ASKED HIM WHERE AT IN DALLAS. MURPHY STATED THAT HE DIDN'T KNOW, A FRIEND LOADED HER IN THE TRUNK AND DUMPED HER SOMEWHERE. ROSE ASKED HIM WHO THE FRIEND WAS AND MURPHY SAID THAT HE COULD NOT TELL YOU THAT.

AT THAT TIME SOME UNKNOWN DEPUTY IN THE LIVING ROOM YELLED THAT HE FOUND THE KEYS NEAR THE FRONT DOOR. ROSE WENT INTO THE LIVING ROOM AND SAW THE KEYS LAYING ON A SMALL TABLE NEAR THE FRONT DOOR. ROSE WENT OUT AND OPENED THE TRUNK OF THE CAR TO CHECK FOR THE BODY BUT BODY WAS NOT THERE. ROSE NOTICED BLOOD ON THE BUMPER OF THE CAR. ROSE WENT BACK INSIDE AND EDGEWOOD PD OFFICER JASON BONHAM WAS TALKING WITH MURPHY. MURPHY TOLD BONHAM THAT THE BODY WAS IN A CREEK OUTSIDE OF TOWN. BONHAM WENT TO THE CREEK AND LOCATED THE BODY.

OTHERS AT SCENE

EDGEWOOD PD OFFICER JASON BONHAM  
VAN ZANDT CO SO DEPUTY JOEY BRANCH #515 (DIVER AT SCENE OF BODY)  
VAN ZANDT CO SO SGT RONNIE GOODSON #505  
VAN ZANDT CO SO DEPUTY JAMES DECOUX #519  
CIVILIAN-HEATH BURTON (JAILER VAN ZANDT CO SO) RIDER  
VAN ZANDT CO SO DEPUTY RALPH POOL #513

00854



DELTA CO SO DEPUTY BILL STRANGE #107  
VAN ZANDT CO SO SGT RICHARD GODLEY #506  
WILLS POINT PD OFFICER RAYMOND KEENER #206

AL OTHERS THAT WERE AT THE SCENE OTHER THAN CHIEF DEPUTY  
ROSE AND EDGEWOOD PD OFFICER JASON BONHAM ADVISED THAT  
THEY JUST ASSISTED WITH ENTRY INTO THE HOUSE AND DID NOT TALK  
WITH THE SUSPECT.

SHERIFF KATHY JACKSON #501 SHOWED UP AT THE SCENE AFTER  
SUSPECT WAS IN CUSTODY.

OTHER VEHICLES AT SCENE  
WHITE PONTIAC LEMANS 2DR TX LP #SGS83D  
BLUE BUICK LESABRE 4DR TX LP #KCC08C  
BLUE FORD GRANADA 4DR TX LP #LMN70H

FROM: MVD# TO: GRX2  
10/06/00 11:07:21

1ZJTL

LIC SGS83D EXPIRES JUN/00 EWT 3400 GWT 3400  
PASSENGER PLT, STKR 5415818WA REG CLASS 25 \$ 50.80  
TITLE 23400236382114439 ISSUED 08/25/99 ODOMETER 130000  
92 PONT SD KL2TN2461NB322878 PASS  
PREVIOUS OWNER JAMES E ILEY SR TYLER TX  
OWNER JATORA N YARBROUGH, P O BOX 396, EDGEWOOD, TX 75117  
LIEN 08/12/99 FIRST NATIONAL BANK OF EDGWD., P O BOX 8, EDGEWOOD, TX  
75117  
PLATE AGE: 3  
REMARKS ACTUAL MILEAGE.

FROM: MVD# TO: GRX2  
10/06/00 11:08:04

1ZJXL  
M

LIC KCC08C EXPIRES JUN/01 EWT 3900 GWT 3900  
PASSENGER PLT, STKR 4883885WB REG CLASS 25 \$ 50.80  
TITLE 00022200051326152 ISSUED 11/08/96 ODOMETER N/A  
83 BUIC 4D 1G4AP69YDX446337 PASS  
PREVIOUS OWNER BILLY G DUNN COMMERCE TX  
OWNER ORA MAE MILTON, PO BOX 396, EDGEWOOD, TX 75117  
PLATE AGE: 4

FROM: MVD# TO: GRX2  
05/06/00 11:08:19

JJM

LC LMN70H EXPIRES JUL/94 EWT 3400 GWT 3400  
PASSENGER PLT, STKR REG CLASS 25 \$ 0.00  
TITLE 00000000016598722 ISSUED 07/30/87 ODOMETER 074700  
FORD 4D 6W81L206178 PASS  
PREVIOUS OWNER ORA MAE MILTON EDGEWOOD  
OWNER ORA JEAN DANIELS, C/O ORA MAE MILTON, PO BOX 396, EDGEWOOD, TX 7  
17  
DATE AGE: 1  
MARKS ACTUAL MILEAGE.CCO 08/11/93 .

FROM : C. I. D. TERRELL PD

PHONE NO. : 972 551 0911

Oct. 06 2009 02:49PM P1

**TERRELL POLICE DEPARTMENT**  
**Criminal Investigation Division**  
**Supplement Report**

Case#:	00-4380
Other Agency #:	2000-R-030225
Offense:	Assist Other Agency
Complainant:	Garland Police Department
Victim:	Bertie Lee Cunningham
Defendant:	Jedidiah Issac Murphy
Date of Offense:	10/4/00
Date of Report:	10/6/00
Disposition:	Arrest on Garland Police Warrant

**NARRATIVE**

On the morning of 10/5/00, Garland Police Detective Lieutenant Keith Thompson contacted Terrell Police requesting assistance in the case. According to Thompson, leads indicated the suspect possibly resided in Terrell. The address provided was found to be fictitious. According to TPD jail records the suspect was handled by this department in 1996 for harassment and in 1998 for drug possession. The Kaufman County Sheriff's Department had also arrested him in recent years. The records showed the suspect's address to be 6305 FM 429 South in Kaufman, Texas. Detective Johns and I drove to that location and located no sign of the suspect or the victim's vehicle.

Throughout the day Lieutenant Thompson provided TPD with additional information as it became available. He reported the suspect was known to associate with TPD Chuck Schorlemmer and that his former fiancé, Chelsea Willis, worked at McCoy's Building Supplies in Terrell. According to TPD records of the suspect's arrest in 1996, Chelsea Willis was the victim. In-person interviews with the chaplain and ex-fiance provided numerous possible leads to the suspect's location. According to them the suspect had in recent days exhibited signs of depression. They stated he is known to be suicidal and had attempted it in the past. Ms. Willis also indicated the suspect had been violent with her on numerous occasions and that she is now seeking a protective order. She expressed concern about their common child in the event he attempted to get her from day care. I contacted the Van Zandt County SO and Willis Point Police and alerted them of the situation. While those agencies conducted surveillance on the day care center, Ms. Willis arranged to have the daughter picked up by family members. All leads were investigated.

At 19:59 I received a page from TPD dispatch to contact Garland Police immediately. According to GPD Commander Jody Lay, the victim's credit card was used at Chachos Store in Terrell within the past hour. He said GPD Detectives were en-route to Terrell to process available evidence. TPD Detectives were called in to assist in securing the scene and to locating the suspect. Detective Johns responded to Chachos Store and secured that scene until GPD detectives arrived. Specific evidence (credit card receipts and video tape) was secured by Detective Johns and later given to GPD Mowery. According to Detective Johns and Mowery, the store surveillance video captured the known suspect making the beer/liquor purchase with the victim's credit card. According to the store clerk, the suspect (Murphy) was with a very large black male and that they left in an newer unknown make/model gold 4 door. Sergeant Joel Blair, Detective W. K. Newell, and I, along with additional GPD detectives/officers, patrolled the city in the attempt to locate the suspect. TPD patrol was alerted with the BOLO information. The suspect was not located in the Terrell area and the search ceased. Refer to GPD case report for other officer identifications.

At about 01:45 TPD dispatch notified me that I was needed at the police station to meet with a person having information about the suspect. On arrival I met with Tim Erwing who said he is the suspect's brother-in-law. He came to the police after seeing the news cast of the missing woman. His two daughters told him that the suspect had contacted them at their Edgewood school earlier that day about 17:00 wanting to talk to him. He said his daughters mentioned the suspect claimed to have

00859

FROM : A. I. D. TERRELL PD

PHONE NO. : 972 551 0911

Oct. 06 2000 02:50PM P2

been diagnosed with a brain tumor and was planning to go to Florida after taking his daughter to dinner. He said they said the suspect was alone and was driving a silver Honda Accord that he said he wished he had not bought. The suspect told the girls he would contact their dad later that night. I asked him if he knew of a large black male associate of the suspect. He said that a man named Shod Tarrant from Edgewood was a school buddy of the suspect. I contacted the Van Zandt County SO who confirmed past dealings with Tarrant. Records showed an address of 509 N. Lamar in Edgewood. I asked that deputies be dispatched to that location to search for the suspect vehicles. Within 30 minutes they reported back that the victim's vehicle was at the location. Surveillance was setup until GPD arrival. I phoned Commander Lay at GPD and he coordinated efforts with TPD and the other agencies. I learned later that the suspect had been taken into custody by officers from the Van Zandt County SO and Edgewood Police and that the victim's body had been recovered.

Sergeant Richard Peavy #6134  
Criminal Investigation Division  
Terrell Police Department

00860

TERRELL POLICE DEPARTMENT  
Criminal Investigation Division  
Supplement Report

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TPD Case#: 00-4380  
Garland PD # 2000 R 030225  
Complainant: Bertie Lee Cunningham  
Defendant: Jedidiah Murphy  
Date of Report: 10/10/00

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On 10/10/00 at about 13:00, I was eating lunch at the Cole Mountain Restaurant at 419 E. Moore, Terrell, with TABC Agent Tim Maloney. Sherry Wagner WF 10/18/72, a waitress, mentioned to me that the suspects in the case involving the woman from Garland had been in the restaurant eating last Thursday. She said they had paid with the victim's credit card. She said that she had not seen the men, but that another waiter, George Poteet, had waited on them. She lead me to the office where she gave me an envelope containing what she said was the credit card receipt. I verified that it was a receipt in the name of the victim. It was dated 10/5/00 at 19:05 PM.

I then contacted the waiter, George Poteet WM 1/4/72. He said that he recalled the two men coming in that night and ordering a rack of ribs and a beer each. He described the men as one large black male and a skinny white male. He said the black male ate his dinner, but that the white male just sat there with a blank stare on his face not eating. He said he asked the man if he was going to eat his dinner and the man responded that he had heartburn then asked for a carryout bag. There is no video tape in the restaurant. Mr. Poteet believes he would recognize the suspect's if seen again.

When I returned to the CID offices TPD Detective W.K. Newell informed me that Garland Detective Delmar was planning to come to Terrell to pickup a credit card receipt from Cowboy's Quick Stop. I contacted the owner of the store Firoz "Danny" Ali, WM 2/2/56, at 214 E. Moore, Terrell. He provided me with the credit card receipt dated 10/5/00 at 6:18PM. Mr. Ali said that he will search for the video tape of the transaction then contact me.

The evidence was turned over to the Garland Police.

Sergeant Richard Peavy #6134  
Criminal Investigation Division  
Terrell Police Department

STATE OF TEXAS

V.

JEDIDIAH ISAAC MURPHY

CAUSE NO.

F00-02424

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§  
§  
§  
§

194TH FLD DIST

DISTRICT 15 COURT

DALLAS COUNTY, TEXAS

DISTRICT CLERK

10

DALLAS CO. TEXAS  
DEPUTY

BUSINESS RECORD AFFIDAVIT

Before me, the undersigned authority appeared MARTHA WEST, who, being by me duly sworn, deposed as follows:

My name is MARTHA WEST, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated.

I am the custodian of the records of MHMR. Attached hereto are 1 pages of records from MHMR. These said 1 pages of records are kept by MHMR in the regular course of business, and it was the regular course of business of for an employee or representative of MHMR, with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The records attached hereto are the exact duplicates of the original.

Martha West  
AFFIANT

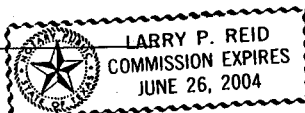
SWORN TO AND SUBSCRIBED before me on the 14<sup>th</sup> day of May, 2001.

Notary Public,

Larry P. Reid State of Texas

LARRY P. REID Notary's printed name:

My Commission expires: \_\_\_\_\_



Affidavit - Solo Page

00862



## RSOCS Screening Form

Person Completing Log Keyser Camp I.D.# 97 Unit#Client Name Murphy Jim Case#☐ Pre-Register (Last) ☐ Register (if registering, financial form must be completed) (First) (MI)

Use this form when Screening or Walk-In/Telephone Initial Contact

## SERVICE RECORD

Server ID	Ref. Phys. ID	Coll Serv Y/N	Coll ID	Length of Svc hr:min	Subunit	Service Code	Start Time	Stop Time	mg's inj.	Prov to	Prov at	Cont. Type	Appt. Type	Bill. Type	Int. Type	# of Partic
97					1599	1310	21:45	22:10		N	O	H	I	N	N	I

Randy AA sponser

Registration Effective Date: 1/1 Client's Date of Birth: 9/1/74 Sex: ☒ M ☐ FAddress 6305 FM 429 city Kaufman State  Zip Telephone #  Referral Source Parent/Guardian Name  Telephone # \*Residence County Code: 129 \*Marital Status: X \*Legal Status: A \*Ethnicity: W\*Living Arrangement:  S.S.# 456-71-2610Medicaid #  Insurance: None ☐ Medicare ☐ Regular Medicaid ☐ Other ☐ Insurance # IF NorthSTAR RECIPIENT: ☐ Magellan ☐ Value Options ☒ Unk ☐ Confirmed ☐ YES ☐ NO

I. PRESENTING PROBLEM: Have not sleep in two days.  
Killed a snake in his house Fri. afternoon.  
Sun 2pm. to Now see snakes everywhere.  
Called cops 3x's Checked house no snakes - IN his  
head- can't sleep, eat or go anywhere

☒ Suicidal: RISK OF HARM TO SELF: ☐ Yes ☒ NoExplain ☐ Homicidal: RISK OF HARM TO OTHERS: ☐ Yes ☒ NoExplain ☐ Hallucinations (explain) SEES SNAKES☐ Depression (explain) ☒ Substance Abuse - How long? Alcoholic How often? 3 weeks soberSubstances used 

II. SERVICES REQUESTED BY INDIVIDUAL/FAMILY:

☐ Medications ☐ Counseling ☒ Hospitalization

☐ Other (explain)

RECEIVED AUG 23 1999

## III. HISTORY OF PSYCHIATRIC TREATMENT:

☒ New Client    ☐ Open Client    ☐ Former Client

Explain (include services previously received):

## IV. MEDICATION/HEALTH STATUS:

Currently taking medications? ☐ Yes ☐ No If yes, what?

Used Teacetal years ago for aggression

Allergies? ☐ Yes ☐ No If yes, what?Medical Problems? ☐ Yes ☐ No If yes, what?

## V. MENTAL STATUS OBSERVATIONS:

INSTRUCTIONS: Check (X) if symptom is present

<b>GENERAL APPEARANCE</b> <b>Facial Expression:</b> <input type="checkbox"/> Sad <input type="checkbox"/> Expressionless <input type="checkbox"/> Hostile <input type="checkbox"/> Worried <input type="checkbox"/> Avoids gaze <b>Dress:</b> <input type="checkbox"/> Appropriate <input type="checkbox"/> Clothing/Hygiene poor <input type="checkbox"/> Eccentric <input type="checkbox"/> Seductive <b>MOTOR ACTIVITY:</b> <input type="checkbox"/> Increased <input type="checkbox"/> Decreased <input type="checkbox"/> Agitated <input type="checkbox"/> Tics <input type="checkbox"/> Tremors <input type="checkbox"/> Peculiar posturing <input type="checkbox"/> Unusual gait <input type="checkbox"/> Repetitive acts <b>AFFECT:</b> <input type="checkbox"/> Appropriate <input type="checkbox"/> Inappropriate <input type="checkbox"/> Labile	<b>Range:</b> <input type="checkbox"/> Appropriate <input type="checkbox"/> Blunted <input type="checkbox"/> Flat <input type="checkbox"/> Euphoric <input type="checkbox"/> Excited <b>SPEECH:</b> <input type="checkbox"/> Excessive <input type="checkbox"/> Poverty of <input type="checkbox"/> Pressured <input type="checkbox"/> Slowed <input type="checkbox"/> Loud <input type="checkbox"/> Soft <input type="checkbox"/> Mute <input type="checkbox"/> Slurred <input type="checkbox"/> Stuttering <b>INTERVIEW BEHAVIOR:</b> <input type="checkbox"/> Angry outbursts <input type="checkbox"/> Irritable <input type="checkbox"/> Impulsive <input type="checkbox"/> Hostile <input type="checkbox"/> Silly <input type="checkbox"/> Sensitive	<input type="checkbox"/> Apathetic <input type="checkbox"/> Withdrawn <input type="checkbox"/> Evasive <input type="checkbox"/> Passive <input type="checkbox"/> Aggressive <input type="checkbox"/> Naive <input type="checkbox"/> Overly dramatic <input type="checkbox"/> Manipulative <input type="checkbox"/> Dependent <input type="checkbox"/> Uncooperative <input type="checkbox"/> Negative <input type="checkbox"/> Slowed <input type="checkbox"/> Callous <b>ORIENTED TO:</b> <input type="checkbox"/> Time <input type="checkbox"/> Place <input type="checkbox"/> Person <input type="checkbox"/> Situation <input type="checkbox"/> Disoriented <b>Memory:</b> <input type="checkbox"/> Intact recent memory <input type="checkbox"/> Inability to concentrate <input type="checkbox"/> Poor recent memory	<b>INSIGHT AND JUDGMENT:</b> <input type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor <input type="checkbox"/> Unrealistic regarding degree of illness <input type="checkbox"/> Doesn't know why she/he is here <input type="checkbox"/> Unmotivated for treatment <b>CONTENT OF THOUGHT:</b> <input type="checkbox"/> Antisocial attitudes <input type="checkbox"/> Suspiciousness <input type="checkbox"/> Phobias <input type="checkbox"/> Obsessions/Compulsions <input type="checkbox"/> Feelings of unreality <input type="checkbox"/> Thoughts of running away <input type="checkbox"/> Somatic complaints <input type="checkbox"/> Ideas of guilt <input type="checkbox"/> Ideas of hopelessness	<input type="checkbox"/> Ideas of worthlessness <input type="checkbox"/> Excessive religiosity <input type="checkbox"/> Sexual preoccupation <input type="checkbox"/> Blames others <input type="checkbox"/> Magical thinking <input type="checkbox"/> Illogical thinking <b>Delusions:</b> <input type="checkbox"/> Of persecution <input type="checkbox"/> Of grandeur <input type="checkbox"/> Of reference <input type="checkbox"/> Of being controlled <input type="checkbox"/> Bizarre <input type="checkbox"/> Nihilistic <input type="checkbox"/> Of poverty <input type="checkbox"/> Jealousy <b>INTELLECT:</b> <input type="checkbox"/> Above normal <input type="checkbox"/> Normal <input type="checkbox"/> Below normal <input type="checkbox"/> Paucity of knowledge <input type="checkbox"/> Poor vocabulary <input type="checkbox"/> Poor abstraction
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## VI. TREATMENT RECOMMENDATIONS/STAFF RECOMMENDATIONS:

Recommended Treatment is:

☐ Medication Services    ☐ Counseling    ☒ Hospitalization

Other (explain):

Go to nearest ER to stabilize

CONSUMER AND FAMILY RESPONSE:

CASE DISPOSITION (include referral and follow up):

Set Appointment With:

When:

Staff Signature

Assign Date

Server

Unit

Subunit

00864

CAUSE NO. F00-02424

STATE OF TEXAS

V.

JEBIDIAN ISAAC MURPHY

§  
§  
§  
§  
§

194<sup>th</sup> Criminal **FILED**

DISTRICT COURT 2001 MAY 15 PM 1:01

JIM HAMLIN  
DALLAS COUNTY, TEXAS CLERK  
DALLAS CO., TEXAS  
AM DEPUTY

**BUSINESS RECORD AFFIDAVIT**

Before me, the undersigned authority appeared STAN SURRETT, who, being by me duly sworn, deposed as follows:

My name is STAN SURRETT, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated.

I am the custodian of the records of FRUITVALE SCHOOLS. Attached hereto are 12 pages of records from FRUITVALE SCHOOL. These said 12 pages of records are kept by FRUITVALE SCHOOL in the regular course of business, and it was the regular course of business of for an employee or representative of FRUITVALE SCHOOL, with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The records attached hereto are the exact duplicates of the original.

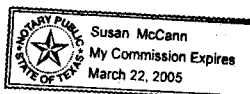
Stan Surrett  
AFFIANT

SWORN TO AND SUBSCRIBED before me on the 14<sup>th</sup> day of May, 2001.

Notary Public,

Susan McCann State of Texas

Susan McCann Notary's printed name:



My Commission expires: 5/22/2005

**REGISTRATION CARD K-6**

Grade 5<sup>th</sup> ID # \_\_\_\_\_

STUDENT (Last Name) (First) (Middle) Sex M

FATHER \_\_\_\_\_

MOTHER \_\_\_\_\_

LEGAL GUARDIAN Joe King

Birthdate of Student: \_\_\_\_\_

Mo. \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

Birthplace \_\_\_\_\_

List any physical defects or handicaps: \_\_\_\_\_

Dominant language spoken in home English

Father living? - Address \_\_\_\_\_

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_

Mother living? - Address \_\_\_\_\_

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_

Full name of person (or institution) with whom student lives, if not with both parents:

Name Joe King Relationship -

Address Chillicothe Shelters Hy-50

Phone: Home 896-4958 Work 896-4958

Residence of student on Feb. 1, 1987 (District): Grand Saline

County Van Buren State TX

Date moved to present district: Mo. 1 Day 1 Year 87 Date now 1-5-88

Distance student is transported, etc. Joe King Bus Route \_\_\_\_\_ Run No. \_\_\_\_\_

Signature of Parent or Guardian Joe King Phone: 896-4958

EMERGENCY: Name \_\_\_\_\_ Phone: \_\_\_\_\_

To the student and teacher: This information asked for above and on the other side is required for your school record. Fill it out accurately. Have parent or guardian sign this card.

**(COUNSELOR OR TEACHER COPY)**

School Specialty Supply, Inc. 13-518-735 (471 Rev)

**ENROLLMENT CARD**

Name Jim Tolson Grade 5 Sex M

Phone 896-4958 Locker No. \_\_\_\_\_

Address Chillicothe Shelters City Fruitvale Transported \_\_\_\_\_ Bus Route \_\_\_\_\_

Date of Birth Mo. 9 Day 1 Year 75 Place-City \_\_\_\_\_ State \_\_\_\_\_

Source of Entry \_\_\_\_\_ Gr. Entered \_\_\_\_\_ Basis of Admission \_\_\_\_\_

Authority for Birth Record \_\_\_\_\_ Home Dist No. if Transf. \_\_\_\_\_

Name of Parent or Guardian Joe King Doctor English

Street Hy-50 Rural Route 1 City Fruitvale Occupation Minister Covered

Previous School Grand Saline Elementary Date Entered \_\_\_\_\_ Left 1-1-87

1st Sem.				2nd Sem.			
Period	Room	Subject	Teacher	Period	Room	Subject	Teacher
1				1			
2				2			
3				3			
4				4			
5				5			
6				6			
7				7			
8				8			

M - T - W - T - F M - T - W - T - F

(FORM BD-47) SCHOOL SPECIALTY SUPPLY, SALINA, KANSAS

Date \_\_\_\_\_ Signed \_\_\_\_\_

TB Test		Date:	Result:
Record vision on reverse.			
Record hearing and vision on reverse.			
Measles	VACCINE	1-7-81	
Mumps	VACCINE	1-7-81	
Rubella	VACCINE	1-7-81	
OPV, IPV	VACCINE	1-7-81	
DTP, DT, Td	VACCINE	1-7-81	
VACCINES	DATE	DATE	DATE

Name: Jim Tolon Date of Birth: 9-1-75 Sex: M

Address: P.O. Box 250 Fruitvale Tel. No. \_\_\_\_\_

School: Fruitvale Parent's Name: Joe King

**IMMUNIZATION RECORD**

*for office*

**EMERGENCY PROCEDURE CARD**

Date: 1-6-87

Student's Name: Tolon, Jim Phone: 996-4988

Address: Children's Shelter P.O. Box 250

List Allergies / Major Health Problems \_\_\_\_\_

In case of emergency, illness or accident to the student named above  
the school is authorized to proceed as indicated.

Number Below In Order Of Desired Action LO 39

\_\_\_\_ Contact Father at \_\_\_\_\_

1 Contact Mother at Children's Shelter Address: 996-4988 Phone: \_\_\_\_\_

\_\_\_\_ Contact Family Physician \_\_\_\_\_

\_\_\_\_ Take Child to Emergency Hospital \_\_\_\_\_

2 Take Child to any Licensed Physician Dr. Ingram Grand Stair Name: \_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_ Other Desired Procedures \_\_\_\_\_

Signature of Parent or Guardian: Joe King

School Specialty Supply, Inc. 13-517-208 (No. 371-C)

Vision Screening TestStudent Name: Jim Tolar Date: 1-21-87Grade: 5Vision Screening R 20-20 L 20-20

Glasses worn for testing \_\_\_\_\_

Failed /

Referred \_\_\_\_\_

Passed /

Treated \_\_\_\_\_

SWEEP CHECK SCREENING TESTSchool Fruitvale Grade 5 Date 1-21-87

1. Screen four frequencies at 25 dB HTL.
2. Make a check mark for each tone heard.
3. Identify failure to respond with an "F" or "X".
4. Sequence of tone presentation.

Student's Name	Ear	500 Hz	1000 Hz	2000 Hz	4000 Hz	Remarks
Screen Jim Tolar	R	✓	✓	✓	✓	
	L	✓	✓	✓	✓	
Retest	R					
	L					

## REPORT OF WITHDRAWAL

Name Jim Tolar Date 3/4/87  
 School Fruitvale Elem.

Reason for withdrawal \_\_\_\_\_

Please grade student for work completed to date. (Grades in ink, please.)

Period	Subject	Room	Books Ret'd	Grade	Teacher's Signature
1	Reading			77	
2	English		✓	76	Patricia [Signature]
3	Science		✓	74	Patricia [Signature]
4	Math		✓	73	Patricia [Signature]
5	Science		✓	76	Patricia [Signature]
6	Health		✓	73	Patricia [Signature]
7	Sp. St.		✓	73	Patricia [Signature]

Textbook Custodian \_\_\_\_\_ Due Refund on Fees Paid \_\_\_\_\_ Amt. \_\_\_\_\_

HOMEROOM TEACHER Patricia [Signature] Lock Record \_\_\_\_\_

GUIDANCE DIRECTOR \_\_\_\_\_ Library Record \_\_\_\_\_

PRINCIPAL Marta [Signature]

Reorder Form 7421 • Steck-Vaughn Company

FRUITVALE INDEPENDENT SCHOOL DISTRICT  
 DISCIPLINE MANAGEMENT PLAN  
 PARENTAL AGREEMENT

I am the parent/guardian of Jim Tolar

and I have read the Discipline Management Plan of the Fruitvale  
 Independent School District, and I am aware of the responsibilities  
 outlined in the program.

[Signature]  
 Signature

1-5-87  
 Date

A copy of this agreement must be signed and returned to the  
 Principal's Office each year your child attends Fruitvale  
 Independent School District.

-----  
District Name

TEXAS EDUCATION AGENCY  
DIVISION OF BILINGUAL EDUCATION

Home Language Survey  
Grades K-8

Name of Child Jim Talar

Campus Fruitvale Grade 5<sup>th</sup>

TO BE FILLED IN BY PARENT OR GUARDIAN:

- (1) What language is spoken in your home most of the time?

English

- (2) What language does your child speak most of the time?

English

[Signature]  
Signature of Parent or Guardian

1-5-87  
Date

BE-029A

-----  
Nombre del Distrito

CUESTIONARIO DE IDIOMA HOGARENO  
ESTADO DE TEXAS  
GRADOS K-8

Nombre del Nino(a) \_\_\_\_\_

Escuela \_\_\_\_\_ Grado \_\_\_\_\_

DEBE DE COMPLETARSE POR EL PADRE O GUARDIAN:

- (1) Cual es el idioma que mas se habla en su hogar?

\_\_\_\_\_

- (2) Cual es el idioma que mas habla su nino(a)?

\_\_\_\_\_

\_\_\_\_\_  
Firma del Padre o Guardian

00870



## SRA ACHIEVEMENT SERIES

TQLAR JIM ED  
NAME  
4  
GRADE  
2  
SEMESTER  
4-08-86  
DATE TESTED  
E  
LEVEL  
1  
FORM  
25635  
BATCH NO.  
73926-001-0.  
SRA REFERENCE NO.  
OPT SCORE  
INTERP NO. 27

## SKILL PROFILE:

SUBJECT AREA	OPT SCORE	GRADE	GV	NAT'L	1	2	3	4	5	6	7	8	9	10	11	12	PERCENTILE BANDS	GROUP SIZE
COMPOSITE	18	3-4	238	16														15
READING	34	3-4	238	16														86125
VOCABULARY	34	3-4	238	16														
LITERARY MEANINGS	34	3-4	238	16														
NONLITERARY MEANINGS	34	3-4	238	16														
READING COMPREHENSION	19	3-4	238	16														
GRASPING DETAILS	19	3-4	238	16														
SUMMARIZING	21	3-4	238	16														
RELATIONSHIPS	21	3-4	238	16														
DRAWING CONCLUSIONS	21	3-4	238	16														
UNDERSTANDING THE AUTHOR	19	3-4	238	16														
MATH CONCEPTS	19	3-4	238	16														
WHOLE NUMBERS	19	3-4	238	16														
FRACTIONS	19	3-4	238	16														
DECIMALS	19	3-4	238	16														
MEASUREMENT	19	3-4	238	16														
MATH COMPUTATION	19	3-4	238	16														
WHOLE NUMBERS	19	3-4	238	16														
FRACTIONS	19	3-4	238	16														
DECIMALS	19	3-4	238	16														
MIXED NUMBERS	19	3-4	238	16														
PERCENTS	19	3-4	238	16														
PROBLEM SOLVING	19	3-4	238	16														
WHOLE NUMBERS	19	3-4	238	16														
FRACTIONS	19	3-4	238	16														
DECIMALS	19	3-4	238	16														
MEASUREMENT	19	3-4	238	16														
PROBABILITY	19	3-4	238	16														
STATISTICS	19	3-4	238	16														
EDUC. ABIL. SER.																		

**NATIONAL PERCENTILE BANDS:** Above is a graph of how well the student did on all the tests taken. Each row of marks shows the range of national percentile scores a student would be likely to get if he or she took the test once. The marks show the range of test scores that would be likely to get if the student's national percentile for this testing is near the center of the band.

**STANINE BANDS:** You can compare bands to see if the student did better in one test than another. Look at any two bands. If the ends do not overlap, it is likely the student did better in one test. If the ends do overlap, there is not a true difference in the scores.

**RATIO:** The scores listed under RATIO indicate the number of questions in the skill area. The graph under PERCENT CORRECT indicates the ratio in percentage form. Each mark covers a range of 10 percentage points.

SPECIFIC SKILL AREA	PERCENT CORRECT	RATIO	RIGHT/TOTAL
READING VOCABULARY	12/31	12/31	12/31
LITERARY MEANINGS	12/31	12/31	12/31
NONLITERARY MEANINGS	12/31	12/31	12/31
READING COMPREHENSION	12/31	12/31	12/31
GRASPING DETAILS	12/31	12/31	12/31
SUMMARIZING	12/31	12/31	12/31
RELATIONSHIPS	12/31	12/31	12/31
DRAWING CONCLUSIONS	12/31	12/31	12/31
UNDERSTANDING THE AUTHOR	12/31	12/31	12/31
MATH CONCEPTS	12/31	12/31	12/31
WHOLE NUMBERS	12/31	12/31	12/31
FRACTIONS	12/31	12/31	12/31
DECIMALS	12/31	12/31	12/31
MEASUREMENT	12/31	12/31	12/31
MATH COMPUTATION	12/31	12/31	12/31
WHOLE NUMBERS	12/31	12/31	12/31
FRACTIONS	12/31	12/31	12/31
DECIMALS	12/31	12/31	12/31
MIXED NUMBERS	12/31	12/31	12/31
PERCENTS	12/31	12/31	12/31
PROBLEM SOLVING	12/31	12/31	12/31
WHOLE NUMBERS	12/31	12/31	12/31
FRACTIONS	12/31	12/31	12/31
DECIMALS	12/31	12/31	12/31
MEASUREMENT	12/31	12/31	12/31
PROBABILITY	12/31	12/31	12/31
STATISTICS	12/31	12/31	12/31
EDUCATIONAL ABILITY SERIES	12/31	12/31	12/31
VERBAL	12/31	12/31	12/31
NONVERBAL	12/31	12/31	12/31

00871



## TEXAS ELEMENTARY SCHOOL TRANSFER FORM ..

This form is to be filled out and given the student at the time he withdraws from school. Please place a question mark in the space where information is not available.

1. Student Solar, Jim Grade 5
2. Date of Birth 9-1-75 Parent or Guardian \_\_\_\_\_
3. School Elementary School District Ed Town Grand Saline State TX  
Days Absent from School \_\_\_\_\_
4. Date Enrolled 9-2-86 Date Withdrawn 1-5-87 this year 0
5. Has School Insurance \_\_\_\_\_ Name of Company \_\_\_\_\_  
Address of Company \_\_\_\_\_
6. Grades - Card Attached \_\_\_\_\_
7. Grade level on which student reads: Year 5 Semester 1
8. Will you make test information available to the receiving school, if requested? yes
9. Immunization - Card Attached \_\_\_\_\_
10. Hearing Test Date 85-86 Result Normal Eye Test Date 85-86 Result R 20 L 20
11. Other information that will help this child adjust to the new school situation.  
\_\_\_\_\_  
\_\_\_\_\_

Please attach book card, immunization, and report card to this form.

NURSE: \_\_\_\_\_ CAFETERIA: \_\_\_\_\_ LIBRARY: \_\_\_\_\_

PRINCIPAL \_\_\_\_\_

TELEPHONE NO. (In Pencil)

[illegible]

# Student's Cumulative Record—Grades K-6

NAME\_

Tovar, Jim Ed

NAME OF	Sex	(Last Name)	(First)	(Middle)	Birthplace U.S. State	Speaks English	Education	Occupation of Parents or Guardian	Identification	
									Picture	Fingerprint, etc.
STUDENT	Boy	Tolar	Jim	Ed	Sanora				Birthdate	9-1-1923
FATHER									Birthdate Based on:	13-2-25-68
MOTHER		Margaret King							Age at Entrance:	7
LEGAL GUARDIAN		Bessie Sherman							School Last Attended:	Kaukauna, ISD

## RECORD OF ATTENDANCE, SCHOLARSHIP, AND RESIDENCE

[illegible]

00875

Student's Name Jim Inlar

Areas of Learning (Grades 1-5)						
Reporting Period	1	2	3	4	5	6
Reading	80	88	76			
Level	OL	OL	OL			
Language	85	83	87			
Handwriting	82	75	80			
Spelling	81	85	75			
Math	54	82	84			
Level	AL	AL	AL			
Science/Health	82	81	75			
Social Studies	69	78				
Art (S-N)	93	94	92			
Music (S-N)	S	S				
P.E.	S	S				

\*Math. Daily average 55 just average 52  
 \*SS. Didn't turn in a long report.

## GRADES

- A - Excellent (90-100)  
 B - Above Average (80-89)  
 C - Average (70-79)  
 D - Below Average (60-69)  
 F - Failing (Below 60)

## Social Attitudes/Study Habits

Reporting Period	1	2	3	4	5	6
1. Conduct (A-F)	S	S				
2. Is courteous	S	S				
3. Works neatly & carefully	S	S				
4. Works quietly, does not disturb others	N	N				
5. Finishes work	N	N				
6. Always has school supplies	S	S				
7. Follows instructions (oral and written)	S	S				
8. Is attentive & listens well	N	N				
9. Gets along well with other students	S	S				
10. Respects authority	S	S				
11. Assumes responsibility	S	S				
12. Uses time wisely	S	N				

## EXPLANATION OF MARKS

## Levels

- AL - Above level  
 OL - On level  
 BL - Below level

## Progress Mark

- N - Needs improvement  
 I - Improving  
 S - Satisfactory

Students may be working above, on, or below grade level in the basic skills. Both the level on which they are working and the grade they receive are marked so that parents may be aware of the level of performance of their child.

00876

[illegible]



STATE OF TEXAS

V.

JEDIBIAN ISAAC MURPHY

CAUSE NO.  
F00-02424

§  
§  
§  
§  
§

FILED  
194<sup>TH</sup> JUDICIAL  
2001 MAY 15 PM 1:00  
DISTRICT CLERK  
JIM HAMILIN  
DALLAS COUNTY, TEXAS  
DEPUTY

**BUSINESS RECORD AFFIDAVIT**

Before me, the undersigned authority appeared BARBARA RAY, who, being by me duly sworn, deposed as follows:

My name is BARBARA RAY, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated.

I am the custodian of the records of PRESBYTERIAN HOSPITAL. Attached hereto are 28 pages of records from PRESBYTERIAN HOSPITAL. These said 28 pages of records are kept by PRESBYTERIAN HOSPITAL in the regular course of business, and it was the regular course of business of for an employee or representative of PRESBYTERIAN HOSPITAL, with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The records attached hereto are the exact duplicates of the original.

Barbara Ray  
AFFIANT

SWORN TO AND SUBSCRIBED before me on the 15<sup>TH</sup> day of May, 2001.

Notary Public,

Larry P. Reid State of Texas

Larry P. Reid Notary's printed name:

My Commission expires: \_\_\_\_\_





07/06/00

KO

PRESBYTERIAN HOSPITAL OF KAUFMAN

1200157667 OT 402372  
MURPHY, JEDIDIAH  
24 / M DSUR ORT

93902 VANDIVER WILLIAM

Att. Physician: \_\_\_\_\_ Admit Date: \_\_\_\_\_ Discharge Date: \_\_\_\_\_

Anesthesiologist(s): \_\_\_\_\_ Consultant(s): \_\_\_\_\_

PRINCIPAL DIAGNOSIS: (reason for admission after study)

J28 84212

SECONDARY DIAGNOSIS/CO-MORBID CONDITIONS/COMPLICATIONS:

Adverse Drug Reaction? Yes\_\_ No\_\_ Drug: \_\_\_\_\_

PRINCIPAL PROCEDURE: (Surgery/Procedure for the principal diagnosis)

SECONDARY PROCEDURES: (Other surgery/procedures performed)

8179  
7-500 24540 LT  
J. J. J.

DISCHARGE DESCRIPTION:

AHR - ROUTINE DISCHARGE	ATE - TRANSFER TO OTHER SNU
AMA - LEFT AGAINST MEDICAL ADVICE	ATH - TRANS TO ACUTE CARE GEN'L HOSP
ATW - HOME CARE/HOSPICE RELATED TO ADM	ATI - TRANSFER TO NURSING HOME
ARS - HOME CARE/HOSPICE NOT RELATED TO ADMISSION	ATV - TRANSF TO HOSP OWNED PSYCH
ARU - HOME CARE START 3 DAYS AFTER DISCHARGE DATE	ATP - TRANSFER TO OTHER PSYCH UNIT
ATA - TRANS/DISCH TO ANOTHER FACILITY, EXCLUDING ACUTE CARE	ATU - TRANS TO HOSP OWNED REHAB CNTR
ATD - TRANSFER TO HOSP OWNED SNU	ATR - TRANSFER TO OTHER REHAB CENTER
	ATT - TRANS TO INPATIENT HOSPICE
	DBA - EXPIRED - AUTOPSY
	DBN - EXPIRED - NO AUTOPSY

PHYSICIAN: \_\_\_\_\_ DATE: \_\_\_\_\_

PATIENT SUMMARY

10:18 07/06/00 FROM N00K,PMSADMF1  
P1567207

00879

## PRESBYTERIAN HOSPITAL OF KAUFMAN

PATIENT NAME: MURPHY, JEDIDIAH PATIENT NUMBER : 1200157667  
 PATIENT TYPE: X MED REC NUMBER : 402372  
 SERVICE/CLINIC CODE: ORT / DSUR ROOM/BED NUMBER:  
 DIAGNOSIS: RUPT ULNER COLLATERAL LIGAMENT EXPECTED ARRIVAL DATE: 07/07/00  
 LT THUMB EXPECTED ARRIVAL TIME: 10:18

## \*\* PATIENT INFORMATION \*\*

STREET: 727 E N COMMERCE #4  
 CITY: WILLS POINT STATE: TX  
 ZIP CODE: 75169 PHONE NO: 903-873-6959  
 MARITAL STS: S SEX: M BIRTHDATE: 09/01/1975 AGE : 24  
 SSN: 456-71-2611 RELIGION: DNV  
 CONGREGATION:

## \*\* PATIENT EMPLOYER INFORMATION \*\*

EMP NAME: GRIFFIN PRODUCTS CITY:  
 EMP ADDR: ZIP CODE:  
 STATE: PHONE NO.: 903-873-6388  
 OCCUPATION:

## \*\* REGISTRATION INFORMATION \*\*

REGISTRATION DATE: 07/07/00 ADMIT DR VANDIVER WILLIAM R 93902  
 REGISTRATION TIME: 10:18 ATEND DR VANDIVER WILLIAM R 93902  
 REGISTRATION SOURCE: RP REFER DR VANDIVER ZANE A T40693  
 PREVIOUS ADMIT DATE: 08/23/99 ADMITTED BY: RGKSKH REF SRC: PHYS  
 ACCIDENT INDICATOR: J ACCIDENT DATE: 06/22/00 ONSET DATE: 06/22/00

## \*\* EMERGENCY CONTACT INFORMATION \*\*

NAME: CRAFT, LOGAN RELATION TO PATIENT: OTHER  
 STREET: CITY:  
 STATE: ZIP CODE: PHONE NO: 903-873-2215

## \*\* GUARANTOR INFORMATION \*\*

NAME: MURPHY, JEDIDIAH RELATION TO PATIENT: SELF  
 STREET: 727 E N COMMERCE #4 CITY:  
 STATE: TX ZIP CODE: 75169 PHONE NO: 903-873-6959

## \*\* INSURANCE INFORMATION \*\*

1SUBSCRIBER: MURPHY, JEDIDIAH FINANCIAL CLASS: K  
 GROUP NAME: GRIFFIN PRODUCTS POLICY NO.: 456712610 COB: 1  
 MAIL TO: UNITRIN GROUP NO: INS PLAN CODE: V01  
 P O BOX 655028 BC PLAN:  
 DALLAS TX 75265 TREATMENT AUTHORIZE ID: TU0050A  
 BEFN PH#: 800-926-1887 PRECERT PH#: 888-336-8759 BEHV PH#: POLICY NO.: COB:  
 2SUBSCRIBER: GROUP NO: INS PLAN CODE:  
 GROUP NAME: DOB: BC PLAN:  
 MAIL TO: TREATMENT AUTHORIZE ID:

BENF PH#: PRECERT PH#: BEHV PH:  
 3SUBSCRIBER: POLICY NO.: COB:  
 GROUP NAME: GROUP NO: INS PLAN CODE:  
 MAIL TO: DOB: BC PLAN:

BENF PH#: TREATMENT AUTHORIZE ID:  
 4SUBSCRIBER: PRECERT PH#: BEHV PH:  
 GROUP NAME: POLICY NO.: COB:  
 MAIL TO: GROUP NO: INS PLAN CODE:  
 DOB: BC PLAN:

BENF PH#: TREATMENT AUTHORIZE ID:  
 PRECERT PH: BEHV PH:

RGKTLW

1200157667 402312  
MURPHY, JEDOLAH  
09/01/1975 24 M OT  
07/07/00 0300 ONT  
03502 HANOVER, WILLIAM

Physician Signature \_\_\_\_\_

7/5/00  
Date

00881

4442

### UNIVERSAL CONSENT FOR TREATMENT

I understand that my health condition requires inpatient or outpatient admission. I consent to and authorize testing, treatment and/or hospital care as ordered by my doctor and his/her consultants, associates and assistants. I authorize Hospital nurses, employees and others as necessary to carry out the instructions of my doctor(s) with respect to the procedures and treatment they have ordered. I understand that it may be necessary for representatives of outside health care companies to assist in my care. I also understand student nurses and others in professional training programs may be among the individuals who provide care to me. If I am to receive obstetrical care, this consent is given for any child(ren) born to me during this hospitalization. I understand that in connection with my treatment, photos or videos may be taken. Any tissue or body parts removed from my body may be retained or disposed of by the Hospital at its sole discretion.

I also understand and acknowledge that Texas law provides if any health care worker is exposed to my blood or other bodily fluid, the Hospital may perform tests, with or without my consent, on my blood or other bodily fluid to determine the presence of any communicable disease, including but not limited to, Hepatitis, HIV/AIDS and Syphilis. I understand that such testing is necessary to protect those who will be caring for me while I am a patient of the Hospital. I understand that the results of tests taken under these circumstances are confidential and do not become a part of my medical record.

I acknowledge and agree that the doctors participating in my care in the Hospital do not work for the Hospital. They are not employees, servants or agents of the Hospital. They are either engaged in the private practice of medicine or are licensed practitioners participating in the care of patients as part of a post-graduate medical education program. In addition to my attending doctor, other doctors who may participate in my care may include radiologists, pathologists, anesthesiologists, neonatologists, cardiologists, emergency physicians and other specialists. I acknowledge and agree that the Hospital is not responsible for the judgment or conduct of any doctor who treats or provides a professional service to me, but rather is an independent contractor who is engaged in private practice and is not an agent, servant or employee of the Hospital.

**NO GUARANTEE:** I acknowledge that no guarantees or warranties have been made to me with respect to treatment to be provided at this Hospital. I understand that all supplies, medical devices and other goods sold or furnished to me by the Hospital are sold or furnished on an "AS IS" basis, and Texas Health Resources disclaims any expressed or implied warranties with respect to them.

If the person signing this form is not the patient, please give full name, phone number and address:

\_\_\_\_\_  
 \_\_\_\_\_

I HAVE READ AND UNDERSTAND THIS INFORMATION.

Signature of Patient or Legally Authorized Representative

Relationship to Patient

Reason Patient Unable to Sign

Witness

Title

Date of Signature

HOSPITAL BOX MUST BE CHECKED

**Texas Health Resources**  
**UNIVERSAL CONSENT FOR TREATMENT**  
 FORM NO. HM-988541055 (8/99)

☐ AMH ☐ HMHEB ☐ MRC ☐ PHW  
☐ HCCH ☐ HMNW ☐ PHD ☐ SPMC  
☐ HMEC ☐ HMSG ☐ PHK ☐ WRH  
☐ HMFV ☐ HMSW ☐ PHP ☐ Other



1290157557 PATIENT IDENTIFICATION  
 MURPHY, JEDIDIAH  
 09/01/1975 24 / M OT  
 07/07/00 OSUR ORT  
 93902 VANDIVER WILLIAM  
 L 00882

### AUTHORIZATION TO RELEASE VERBAL HEALTH CARE INFORMATION DURING THIS ADMISSION

*With exceptions the law has created, you have the right to decide what verbal information the hospital can release during your admission. Please take a moment to read this form carefully to properly choose the option which best suits your needs.*

I understand there are times when the law allows the hospital to release information regardless of whether or not I give my consent. For example, the hospital may release information to doctors, nurses and others who provide me with health care or are prospective health care providers; to government agencies as authorized by law; to insurance companies or others who are responsible for paying my medical bills; or to a court of law that issues a subpoena or court order. I understand this information may be released either orally or in document form.

I understand that "Directory Information", such as my presence in the hospital, my room number, room telephone number, age, sex, race and one word statement relating to my condition may be released to all who ask unless I specifically request to be a "No Information" patient as stated below.

☐ **STANDARD DISCLOSURE** - I authorize this hospital and medical staff members to discuss my medical history, diagnosis, treatment and prognosis with those listed below. I understand this may include information regarding testing, examination and treatment for HIV, AIDS related illness, mental health and drug, alcohol or chemical abuse.

☐ spouse \_\_\_\_\_

☐ children \_\_\_\_\_

☐ parent \_\_\_\_\_

☐ other \_\_\_\_\_

☐ **NO INFORMATION** - I do not authorize release of any information regarding my admission or treatment. I choose to be a "No Information" patient and I realize that mail, flowers, telephone calls and visitors will be refused on my behalf. (The hospital staff will not be able to acknowledge nor deny my absence or presence.)

This authorization will expire at the end of my hospitalization or clinic service, unless I revoke the consent prior to that time.

Signature of Patient or \*Legally Authorized Representative \_\_\_\_\_ Relationship \_\_\_\_\_ Date \_\_\_\_\_  
 Witness \_\_\_\_\_ Date 7-6-00

\*For Purposes of this form, "Legally Authorized Representatives" include: 1) legal guardian, 2) agents authorized in a Medical Power of Attorney, 3) Attorney or guardian ad litem appointed by the court, 4) attorney retained by the patient or patient's legally authorized representative, 5) parent or legal guardian of a minor, 6) a personal representative or statutory beneficiary if the patient is deceased, that is a spouse, adult children and parents of the deceased patient.



9100

### Texas Health Resources

Authorization for Verbal Release of Health Care  
Information During Admission for Services

Form HM-998540228 (Rev. 8/99)

☐ AMH ☐ HMHEB ☐ MRMC ☐ PHW  
☐ HCCH ☐ HMNW ☐ PHD ☐ SPMC  
☐ HMEC ☐ HMSPG ☐ PHK ☐ WRH  
☐ HMPW ☐ HMSW ☐ PHP ☐ Other

09/01/1975 24 / M OT  
07/07/00 OSUR OPT

93502 VANDIVER WILLIAM

00000

PATIENT IDENTIFICATION

### ADMISSION ACKNOWLEDGMENTS

**RELEASE OF INFORMATION:** I consent and authorize the Hospital to release all information contained in my financial and medical records, including diagnoses and test results, to (a) any of my treating practitioners, (b) my insurance company or health plan, (c) any other person or entity that is responsible for paying or processing for payment of any portion of my Hospital bill, (d) governmental or accrediting agencies, (e) any other health care provider to which I am transferred for care, (f) to entities utilizing this information for quality management, peer review and/or outcome analysis such as tumor registry follow-up, or (g) any other person or entity as required or allowed by state and federal law. This consent applies to all records created in the course of and relating to this hospitalization, including those related to alcohol and/or substance abuse diagnosis or treatment, mental health treatment, and/or any communicable disease, including HIV/AIDS. To provide the practitioners who will treat me during this hospitalization with access to my prior medical history, I also consent and authorize any health care provider to release to any of the practitioners who treat me during this hospitalization all information contained in my medical records from prior treatment that is relevant to my current care and treatment. If I am the patient or the patient's legal guardian, I also consent to release of billing and medical records to my primary care physician and his/her medical group. I authorize the Hospital to release my home address, telephone number and social security number to the manufacturers of the medical devices I receive, in accordance with the medical device tracking provisions of the federal Safe Medical Devices Act.

This release shall remain valid until I notify the Hospital, in writing, of my desire to revoke it. I understand there are times when the law allows the Hospital to release information regardless of whether or not I give my consent. For example, the Hospital may release information to doctors, nurses and others who provide me with health care or are prospective health care providers; to government agencies as authorized by law; to insurance companies or others who are responsible for paying my medical bills; or to a court of law that issues a subpoena or court order. I understand this information may be released either orally or in document form whether or not I withdraw my consent.

#### ADVANCE DIRECTIVES:

##### a. To be completed for Hospital outpatients and emergency room patients only:

Are you (the patient) presenting an Out-of-Hospital DNR order or bracelet?

☐ Yes ☒ No

Copy provided?

☐ Yes

☐ No

##### b. To be completed for Hospital inpatients and outpatients undergoing invasive procedures only:

1. Who is answering the following questions?

Patient? ☒ Yes ☐ No

Person with Patient?

☒ Yes ☐ No

2. Was printed information about Advance Directives offered to you?

☒ Yes

☐ No

Information received?

☐ Yes

☐ No

3. Do you (the patient) have a Directive to Physicians (Living Will)?

☒ Yes

☐ No

Copy provided?

☐ Yes

☐ No

4. Do you (the patient) have a Medical Power of Attorney?

☒ Yes

☐ No

Copy provided?

☐ Yes

☐ No

5. Do you (the patient) have a Mental Health Directive?

☒ Yes

☐ No

Copy provided?

☐ Yes

☐ No

6. Are you (the patient) presenting an Out-of-Hospital DNR order or bracelet?

☐ Yes

☒ No

Copy provided?

☐ Yes

☐ No

7. Would you like to discuss Advance Directives with a Hospital staff member?

☒ Yes

☐ No

Referral to

I understand it is my responsibility to provide a copy of my Advance Directives to the Hospital.

(\*Hospital Staff Note: Shaded area indicates that Advance Directive follow-up documentation is required.)

**PATIENT RIGHTS AND RESPONSIBILITIES:** I have received written information regarding my rights and responsibilities as a patient. This information tells me how to register a complaint I might have.

**MY VALUABLES:** I understand that the Hospital does not assume responsibility for personal property I may keep with me during my treatment/hospitalization. I understand that unnecessary items should be sent home, and that a safe is available for my valuables.

**FINANCIAL AGREEMENT/ASSIGNMENT OF BENEFITS:** I hereby assign to the Hospital, and any practitioner providing care and treatment to me, any and all benefits and all interest and rights (including causes of action and the right to enforce payment) for services rendered under any insurance policies or any reimbursement or prepaid health care plan. If my treatment was caused by events which result in legal action, I assign to the Hospital an interest in any claims I may have. I hereby promise to pay for all services rendered to me to the extent I am legally responsible for such payment; I understand I am responsible for all health insurance copayments and deductibles. Charity care may be available if Hospital eligibility criteria are met.

If I am a MEDICAID PATIENT, I understand that the services or items that I request to be provided to me may not be covered under the Texas Medical Assistance Program as being reasonable and medically necessary for my care. I understand that the Texas Department of Human Services or its health insuring agent determines the medical necessity of the services or items that I request and receive. I also understand that I am responsible for payment of the services or items I request and receive if these services or items are determined not to be reasonable and medically necessary for my care. If I am a Medicaid Star patient, these provisions may not apply.

**FOR MEDICARE/TRICARE PATIENTS ONLY:** I acknowledge receipt of the written material entitled, "Important Message from Medicare/Tricare."

If the person signing this form is not the patient, please give full name, phone number and address:

I HAVE READ AND UNDERSTAND THE INFORMATION ABOVE AND ON THE BACK OF THIS FORM.

Signature of Patient or Legally Authorized Representative

Relationship to Patient

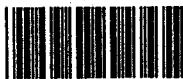
Reason Patient Unable to Sign

Witness

Title

Date of Signature

HOSPITAL BOX MUST BE CHECKED



9051

THR 61 (Rev. 8/99)

### Texas Health Resources

#### ADMISSION ACKNOWLEDGEMENTS

FORM NO. HM-99854082 (Rev. 8/99) PAGE 1 OF 2

☐ AMH ☐ HMHB ☐ MRMC ☐ PHW  
☐ HCCB ☐ HMNW ☐ PHD ☐ SPMC  
☐ HMEC ☐ HMASPG ☐ PHK ☐ WRH  
☐ LMCW ☐ LMCW ☐ LMCW ☐ LMCW

PATIENT IDENTIFICATION  
 123015755  
 MURPHY, JEDIOIAH  
 03/01/1975 24 / M OT  
 07/07/00 OSUR ORT  
 93902 VANDIVER WILLIAM  
 00884



## PRESBYTERIAN HOSPITAL OF KAUFMAN

SIGNATURES	DATE	TIME	TEACHING METHOD

1200157547 402372  
 MURPHY, JEDITH  
 08/01/1975 24 / M OT  
 07/07/00 GROUP OT  
 53502 LYANCIVIL WILLIAM

Teaching method code \* A = audiovisual  
 B = role play  
 C = explanation  
 D = demonstration  
 H = handout  
 G = group class

Barriers to Learning  
 Identified on  
 Admission Data Form

DATE	TIME	INTERVENTION Include content taught and identity of learner if other than the patient.	TIME SPENT	TEACHING METHOD	EVALUATION								REVISION	COMMENTS
					STATEMENTS VERBALIZED COMPREHENSION	DEMONSTRATE	ROUTINELY PERSONS	NO EVIDENCE OF LEARNING	RE-TEACH	NEEDS PRACTICE	ONGOING REINFORCEMENT			
7/6/00		PRE-ADMISSION :		C/H										
		Instructed Patient												
		& Significant Other												
		Importance of NPO,												
		Enemas, Showers, Pre-												
		Operative Medications												
		Blood draws, EKG, Chest												
		Xray, Time to arrive												
		Orientation to Room												
7-7-00		POST-OPERATIVE :	5	C										
		Instructed Patient												
		& Significant Other												
		Medication Actions												
		and Side Effects,												
		Wound and Dressing												
		Care, Icepacks, Diet,												
		Activity.												
		Discharge Instruction		H										
		Sheet and Prescriptions												
		Provided												







**Presbyterian  
Hospital of Kaufman**  
A Member of Presbyterian Healthcare System

1200157667 402372  
MURPHY, JEDID  
03/01/1975  
07/07/00  
MURPHY  
OSUR  
VANDIVER, WILLIAM

**DISCLOSURE AND CONSENT  
MEDICAL AND SURGICAL PROCEDURES**

**TO THE PATIENT:** You have the right, as a patient, to be informed about your condition and the recommended surgical, medical, or diagnostic procedure to be used so that you may make the decision whether or not to undergo the procedure after knowing the risks and hazards involved. This disclosure is not meant to scare or alarm you; it is simply an effort to make you better informed so you may give or withhold your consent to the procedure.

I (we) voluntarily request Dr. William R. Vandiver MD  
as my physician, and such associates, technical assistants and other health care providers as they may deem necessary, to treat my condition which has been explained to me by my physician as:

Collateral Ligament Repair Left Thumb/Hand  
I (we) understand that the following surgical, medical, and/or diagnostic procedures are planned for me and I (we) voluntarily consent and authorize these procedures:  
Under Collateral Ligament Repair Left Thumb/Hand

I (we) understand that my physician may discover other or different conditions which require additional or different procedures than those planned. I (we) authorize my physician, and such associates, technical assistants and other health care providers to perform such other procedures which are advisable in their professional judgment.

I (we) (do) ~~(do not)~~ consent to the use of blood and blood products as deemed necessary. I (we) also realize that the following risks and hazards may occur in connection with this particular procedure: fever, transfusion reactions which may include kidney failure or anemia, heart failure, hepatitis, AIDS (Acquired immune deficiency syndrome) and other infections.

I (we) understand that no warranty or guarantee has been made to me as to result or cure.

Just as there may be risks and hazards in continuing my present condition without treatment, there are also risks and hazards related to the performance of the surgical, medical, and/or diagnostic procedures planned for me. I (we) realize that common to surgical, medical, and/or diagnostic procedures is the potential for infection, blood clots in veins and lungs, hemorrhage, allergic reactions, and even death. I (we) also realize that the following risks and hazards may occur in connection with this particular procedure:

Infection, possible need for further surgery.

I (we) understand that anesthesia involves additional risks and hazards but I (we) request the use of anesthetics for the relief and protection from pain during the planned and additional procedures. I (we) realize the anesthesia may have to be changed possibly without explanation to me (us).

I (we) understand that certain complications may result from the use of any anesthetic including respiratory problems, drug reaction, paralysis, brain damage or even death. Other risks and hazards which may result from the use of general anesthetics range from minor discomfort to injury to vocal cords, teeth or eyes. I (we) understand that other risks and hazards resulting from spinal or epidural anesthetics include headache and chronic pain.

I (we) have been given an opportunity to ask questions about my condition, alternative forms of anesthesia and treatment, risks of nontreatment, the procedures to be used, and the risks and hazards involved, and I (we) believe that I (we) certify this form has been fully explained to me, that I (we) have read it or have had it read to me, that the blank spaces have been filled in, and that I (we) understand its contents.

DATE: 7-6-00 TIME: 10:00 am

I (We) have sufficient information to give this informed consent.

PATIENT/Other legally responsible person sign

I have explained the risk, benefits, and alternatives and the patient/family understands and agrees to the procedure.

Surgeon Sign

WITNESS:

Name:

Address:

City, State, Zip:

Item 4339

DATE: 7-7-00 TIME: 7:30 am

I (We) have sufficient information to give this informed consent.

PATIENT/Other legally responsible person sign

I have explained the risk, benefits, and alternatives and the patient/family understands and agrees to the anesthesia.

Anesthesiologist / CRNA Sign

WITNESS:

Name:

Address:

City, State, Zip:

00887

## PRESBYTERIAN HOSPITAL OF KAUFMAN

ANESTHESIA RECORD		Procedure	START	STOP
DATE: 1/16/10 OR #1 Page 1 of 1		Procedure: Ligament Repair @ Hand	START: 8:45	STOP: 8:55
<b>PRE PROCEDURE</b> <input type="checkbox"/> NPO Since: <input type="checkbox"/> ID Band <input type="checkbox"/> Questioning <input type="checkbox"/> Permit Signed <input type="checkbox"/> Awake <input type="checkbox"/> Uncooperative <input type="checkbox"/> Confused <input type="checkbox"/> Unresponsive		<b>MONITORS AND EQUIPMENT</b> <input type="checkbox"/> Steth: Preced <input type="checkbox"/> Esoph <input type="checkbox"/> Other <input type="checkbox"/> Non-Invasive B/P <input type="checkbox"/> Left <input type="checkbox"/> Right <input type="checkbox"/> Continuous EKG <input type="checkbox"/> V Lead EKG <input type="checkbox"/> Pulse Oximeter <input type="checkbox"/> Oxygen Sensor <input type="checkbox"/> End Tidal CO <sub>2</sub> <input type="checkbox"/> Gas Analyzer <input type="checkbox"/> Temp. <input type="checkbox"/> Nerve Stimulator <input type="checkbox"/> Warming Blanket <input type="checkbox"/> EEG <input type="checkbox"/> Doppler	<b>ANESTHETIC TECHNIQUE</b> General: <input type="checkbox"/> Pre-Oxygenation <input type="checkbox"/> L.T.A. <input type="checkbox"/> Rapid Sequence <input type="checkbox"/> Concord Pressure <input type="checkbox"/> Intravenous <input type="checkbox"/> Inhalation <input type="checkbox"/> Intramuscular <input type="checkbox"/> Rectal Regional: <input type="checkbox"/> Spinal <input type="checkbox"/> Epidural <input type="checkbox"/> Auxiliary <input type="checkbox"/> Bier Block <input type="checkbox"/> Ankle Block <input type="checkbox"/> Position <input type="checkbox"/> Prep <input type="checkbox"/> Local <input type="checkbox"/> Needle <input type="checkbox"/> Drug(s) <input type="checkbox"/> Dose <input type="checkbox"/> Attempts x <input type="checkbox"/> Site <input type="checkbox"/> Level <input type="checkbox"/> Catheter <input type="checkbox"/> See Remarks Other: <input type="checkbox"/> M.A.C. <input type="checkbox"/>	
<b>PATIENT SAFETY</b> <input type="checkbox"/> Ages, Machine <input type="checkbox"/> Checked <input type="checkbox"/> Safety Belt On <input type="checkbox"/> Auxiliary Roll <input type="checkbox"/> Armboard Restraints <input type="checkbox"/> Arms Tucked <input type="checkbox"/> Pressure points checked and padded <input type="checkbox"/> Eye Care: <input type="checkbox"/> Ointment <input type="checkbox"/> Saline <input type="checkbox"/> Taped <input type="checkbox"/> Pads <input type="checkbox"/> Goggles		<b>AIRWAY MANAGEMENT</b> Intubation: <input type="checkbox"/> Oral Tube Size <input type="checkbox"/> Nasal <input type="checkbox"/> Regular <input type="checkbox"/> Stylet used <input type="checkbox"/> Direct <input type="checkbox"/> RAE <input type="checkbox"/> Magill's <input type="checkbox"/> Blind <input type="checkbox"/> Armored <input type="checkbox"/> Blade #14 <input type="checkbox"/> Laser <input type="checkbox"/> Secured at <input type="checkbox"/> cm Endobronch <input type="checkbox"/> Attempts x <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> Breath sounds <input type="checkbox"/> Uncluffed leaks at <input type="checkbox"/> cm H <sub>2</sub> O <input type="checkbox"/> Cuffed <input type="checkbox"/> Min. occ. pres. <input type="checkbox"/> Air <input type="checkbox"/> NS Airway: <input type="checkbox"/> Oral <input type="checkbox"/> Nasal <input type="checkbox"/> Difficult Circuit: <input type="checkbox"/> Circle <input type="checkbox"/> NRB see Remarks <input type="checkbox"/> Mask Case <input type="checkbox"/> Nasal Cannula <input type="checkbox"/> Via Tracheostomy <input type="checkbox"/> Simple O <sub>2</sub> mask		
<b>RECOVERY</b> Location: PACU Time: 8:45 BP: 140/90 O <sub>2</sub> Sat: 97 P: 24 R: 16 T: 36.1 <input type="checkbox"/> Awake <input type="checkbox"/> Stable <input type="checkbox"/> Nasal Oxygen <input type="checkbox"/> Drowsy <input type="checkbox"/> Unstable <input type="checkbox"/> Difficult Oxygen <input type="checkbox"/> Somnolent <input type="checkbox"/> Intubated <input type="checkbox"/> T-piece Oxygen <input type="checkbox"/> Unrecoverable <input type="checkbox"/> Ventilator <input type="checkbox"/> Oral/Nasal air		<b>FLUID TOTALS</b> Crystallloid: _____ EBL: _____ Blood: _____ Urine: _____ <b>REMARKS</b> To room monitor IV induction → #444A T 220 mmHg 9804 ✓ 837 Ancef one jar @ 8:55 837		
<b>MONITORS</b> Oxygen (U/min) 51 NSO Ar (U/min) 53 SpO <sub>2</sub> (%) 98 EKG 74 78 78 78 % O <sub>2</sub> Inspired 24 24 24 24 O <sub>2</sub> Saturation 98 98 98 98 End Tidal CO <sub>2</sub> 36 36 36 36 Temp: 36.1 36.1 36.1 36.1 BIS 24 24 24 24		<b>VITAL SIGNS</b> Preinduction Assessment 200 B/P 140/90 P 24 R 16 T 36.1 SpO <sub>2</sub> 98 ETCO <sub>2</sub> 36 Temp 36.1 BIS 24		
<b>VENT</b> Tidal Volume Resp. Rate Peak Pressure PEEP Symbols for Remarks Position		<b>CONTROLLED DRUGS</b> Drug Issued Used Destroyed Returned Provider Witness		
<b>PATIENT IDENTIFICATION</b> 1000157117 402372 MURPHY, JESSE 09/01/1975 24 / M OT 07/07/00 DSUR ORT 53902 VANDIVER WILLIAM		Anesthesia Provider: [Signature] Drug Issued Used Destroyed Returned Provider Witness		

PREANESTHESIA EVALUATION				Age 24	Sex M	F	Height 5'10"	Weight 142
Proposed Procedure <i>Hand reconstruction</i>				Pre-Procedure Vital Signs B/P <i>P</i> R <i>T</i>				
Previous Anesthesia / Operations <i>Plung. elect. tube with GA. No anesthetic problem</i>				Current Medications <i>φ</i>				
Family History of Anesthesia Complications				Allergies <i>Iodine &amp; latex</i>				
AIRWAY / TEETH / HEAD & NECK <i>ok.</i>				History From: <input type="checkbox"/> Patient <input type="checkbox"/> Significant Other <input type="checkbox"/> Parent / Guardian <input type="checkbox"/> Chart <input type="checkbox"/> Communication / Language Problems <input type="checkbox"/> Poor Historian				
SYSTEM		WNI	COMMENTS		DIAGNOSTIC STUDIES			
RESPIRATORY		<input type="checkbox"/>	Tobacco Use: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Packs / Day for Years		EKG			
CARDIOVASCULAR		<input checked="" type="checkbox"/>	he at @ chest trauma.		Chest X-ray			
HEPATO / GASTROINTESTINAL		<input checked="" type="checkbox"/>	Ethanol Use: <input type="checkbox"/> Yes <input type="checkbox"/> No Frequency		Pulmonary Studies			
NEURO / MUSCULOSKELETAL		<input type="checkbox"/>	"Street Drug" Use: <input type="checkbox"/> Yes <input type="checkbox"/> No Frequency		Other			
RENAL / ENDOCRINE		<input checked="" type="checkbox"/>	confined to @ hand.		LABORATORY STUDIES			
OTHER		<input checked="" type="checkbox"/>			Hgb / Hct / CBC <i>15.5 / 45.9</i> Electrolytes <i>256 me</i> Urinalysis			
Problem List / Diagnoses <i>Hand trauma / laceration</i>				POSTANESTHESIA NOTE				
Planned Anesthesia / Special Monitoring General <input checked="" type="checkbox"/> Regional <input type="checkbox"/> MAC <input type="checkbox"/> TIVA <input type="checkbox"/>				Physician Signature <i>[Signature]</i> Date <i>7/7/00</i> Time <i>7:20</i>				
Pre-Anesthesia Medications Ordered				PATIENT IDENTIFICATION				
Post-op Recovery Plan: PACU I <input checked="" type="checkbox"/> PACU II <input type="checkbox"/> SCU <input type="checkbox"/> MED/Surg. <input type="checkbox"/>				EVALUATOR SIGNATURE <i>[Signature]</i>				

NO 402372  
MURPHY, MEDICIAN  
05/01/1975 24 / M OT  
07/07/00 OSUR ORT  
93902 VANDIVER WILLIAM

00889

Presbyterian Hospital of Kaufman A Member of Presbyterian Healthcare System		OPERATING ROOM RECORD						
1200157557 402277 MURPHY, JEDICIAH 09/01/1975 24 / M 07/07/00 OSUR 93502 VANDIVER WILLIAM		DATE: 7-7-00 WOUND CLASSIFICATION: (1) II III IV ANESTHETIST: ORT ANESTHESIOLOGIST: B. Johnston						
PATIENT IDENTIFICATION TYPE OF ANESTHESIA: <input checked="" type="checkbox"/> GENERAL <input type="checkbox"/> SPINAL <input type="checkbox"/> EPIDURAL <input type="checkbox"/> IV SED <input type="checkbox"/> LOCAL <input type="checkbox"/> LOCAL WITH M.A.C. <input type="checkbox"/> TIVA <input type="checkbox"/> BLOCK: _____ <input type="checkbox"/> OTHER: _____		TIMES: ANES. START TIME: 0745 am/pm PT. IN O.R.: 0745 am/pm SURGERY START: 0805 am/pm SURGERY END: 0835 am/pm PT. OUT: 0845 am/pm						
TYPE OF PROCEDURE: <input checked="" type="checkbox"/> SCHEDULED <input type="checkbox"/> UNSCHEDULED <input type="checkbox"/> EMERGENCY PT IDENTIFICATION: <input type="checkbox"/> VERBAL <input checked="" type="checkbox"/> CHART <input checked="" type="checkbox"/> ARM BAND <input type="checkbox"/> STAMP PLATE VERIFICATION OF PROCEDURE/LOCATION: <input type="checkbox"/> VERBAL <input checked="" type="checkbox"/> CONSENT FORM PREVIOUS SURGERY: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> IMPLANTS/PROSTHESIS OR METAL HARDWARE: LIST: _____ SURGEON NOTIFIED PT TO OR: 0745 PERSONAL ITEMS: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES LIST: _____		CONSENTS: <input type="checkbox"/> IN CHART HX & PHYSICAL: <input checked="" type="checkbox"/> IN CHART ALLERGIES: <input checked="" type="checkbox"/> NONE LIST: IODINE NPO AFTER MN: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO SINCE: _____ am/pm BLOOD ORDERED: <input type="checkbox"/> NO <input type="checkbox"/> YES <input checked="" type="checkbox"/> PERMIT <input type="checkbox"/> ID BAND #: _____ KNOWN INFECTIOUS DISEASE: <input checked="" type="checkbox"/> NONE <input type="checkbox"/> LIST: _____						
SURGEON: W. Vandiver SURGEON ASSISTANTS: CIRCULATING NURSES: T. R. Johnston CIRCULATOR RELIEF: _____ IN: _____ OUT: _____ SCRUB NURSES: M. Livingston SCRUB NURSE RELIEF: _____ IN: _____ OUT: _____ PRE-OP DIAGNOSIS: Ruptured Ulnar Collateral Ligament Left Thumb POST-OP DIAGNOSIS: Same		SPECIMENS TO PATHOLOGY: <input checked="" type="checkbox"/> NONE <input type="checkbox"/> YES CULTURES TO LAB: <input checked="" type="checkbox"/> NONE <input type="checkbox"/> YES X-RAYS/FLURO: <input checked="" type="checkbox"/> NONE <input type="checkbox"/> PORTABLE <input type="checkbox"/> C-ARM OPERATOR: _____ DRESSINGS: <input type="checkbox"/> NONE <input type="checkbox"/> MASTISOL <input type="checkbox"/> BETADINE GAUZE <input type="checkbox"/> ADAPTIC <input type="checkbox"/> CAST/SPLINT <input type="checkbox"/> XEROFORM <input type="checkbox"/> TELFA <input type="checkbox"/> TAPE <input type="checkbox"/> STERISTRIP <input type="checkbox"/> 4X4 <input type="checkbox"/> IOLING <input type="checkbox"/> ABD <input type="checkbox"/> ACE <input type="checkbox"/> OTHER: _____ LOCATION: (L) Hand DRAINS: <input checked="" type="checkbox"/> NONE <input type="checkbox"/> YES TYPE/LOCATION: _____ PACKS: <input checked="" type="checkbox"/> NONE <input type="checkbox"/> YES TYPE/LOCATION: _____						
PROSTHESIS/IMPLANTS: <input checked="" type="checkbox"/> NONE		MEDICATIONS/IRRIGATION: <input checked="" type="checkbox"/> NONE						
TYPE/LOCATION	MANUFACTURER	SIZE	MODEL #	LOT #	TYPE/STRENGTH	DOSAGE	ROUTE/SITE	BY
					Ancef/NS	4mg	IV	W
E. BLOOD GIVEN: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (SEE ANESTHESIA RECORD) ESTIMATED BLOOD LOSS: _____ URINE OUTPUT: _____					CONDITION ON DISCHARGE: <input checked="" type="checkbox"/> SATISFACTORY <input type="checkbox"/> OTHER: _____ DISCHARGE PER: <input checked="" type="checkbox"/> STRETCHER <input type="checkbox"/> BED <input type="checkbox"/> OTHER: _____			
DISCHARGE TO: <input checked="" type="checkbox"/> PACU <input type="checkbox"/> FLOOR <input type="checkbox"/> ICU <input type="checkbox"/> OTHER: _____					RM #: 00890			
NURSES COMMENTS: To holding 130x3 units & allergies verified. TO OR. Prep & position. Production. Post op to PACU. Responding from GEDA.								
R.N. SIGNATURE: T. R. Johnston								

**INSTRUCTIONS:** CHECK BOXES FOR ASSESSMENT/INTERVENTIONS WHEN IMPLEMENTED. ALL NURSING DIAGNOSES ARE LISTED BY LETTER; EACH LETTER CORRESPONDS TO THE ASSESSMENTS/INTERVENTIONS LISTED BELOW.

NURSING DIAGNOSIS	GOAL	GOALS ACHIEVED	
		YES	NO
A. POTENTIAL FOR KNOWLEDGE DEFICIT/ANXIETY RELATED TO SURGICAL INTERVENTION.	A. DEMONSTRATES KNOWLEDGE/COPING STRATEGIES.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
B. POTENTIAL FOR INFECTION.	B. NO KNOWN INFECTION RELATED TO INTRAOPERATIVE CARE.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
C. POTENTIAL FOR UNANTICIPATED ALTERATION TO SKIN INTEGRITY.	C. SKIN INTEGRITY MAINTAINED.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
D. POTENTIAL FOR INJURY RELATED TO INTRAOPERATIVE HAZARDS.	D. NO INTRAOPERATIVE INJURY OCCURS.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
E. POTENTIAL FOR ALTERATION OF FLUID AND ELECTROLYTE BALANCE.	E. SURGEON NOTIFIED OF ALL FACTORS RELATING TO FLUID AND ELECTROLYTE BALANCE.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**A. LEVEL OF RESPONSIVENESS: PRE-OP**  
☒ ALERT  
☐ AGITATED  
☐ DISORIENTED  
☐ SEDATED  
☐ UNRESPONSIVE  
☐ RESPONDS TO VERBAL/TACTILE STIMULATION

**A. EMOTIONAL STATUS:**  
☒ CALM, RELAXED  
☐ APPREHENSIVE, BUT PARTICIPATED IN CARE  
☐ FRIGHTENED, UNABLE TO PARTICIPATE  
☐ STATED FEARS

**A. SENSORY LIMITATIONS/COMMUNICATION:**  
☒ NO SENSORY LIMITATIONS NOTED  
☐ SIGHT ☐ GLASSES/CONTACTS REMOVED  
☐ HEARING ☐ HEARING AIDS REMOVED  
☐ SPEECH ☐ LANGUAGE BARRIER  
☐ OTHER:

**A. FAMILY:** ☐ NO ☒ YES REPORT TO FAMILY WHERE: OR lobby

**A. COMFORT MEASURES IMPLEMENTED:**  
☒ WARM BLANKET ☒ PILLOW  
☐ OTHER:

**B. SKIN PREP:** ☒ N/A ☐ SHAVE ☐ CLIP  
☐ PRE-OP ☐ IN O.R.

**B. SKIN PREP SOLUTION:**  
☐ BETADINE SCRUB  
☐ BETADINE SOLUTION  
☒ HIBICLENS ☐ PREVAIL  
☐ PHISOX  
☐ OTHER:

**B. INTRAOPERATIVE CATHETER**  
☐ FOLEY \_\_\_\_\_ fr. \_\_\_\_\_ cc  
☐ STRAIGHT CATH \_\_\_\_\_ fr.  
☒ N/A  
☐ CLEAR ☐ CLOUDY ☐ BLOODY

**C/D. INTRAOPERATIVE POSITIONING:**  
 TRANSFER TO O.R. TABLE PRIOR TO SURGERY:  
☒ SELF ☐ ASSISTED ☐ N/A  
☐ ROLLER DEVICE

**TRANSFER AFTER SURGERY PER:**  
☒ ROLLER DEVICE ☐ ASSISTED ☐ SELF

**PT. POSITIONED ON:**  
☒ O.R. TABLE ☐ FX. TABLE ☐ STRETCHER  
☐ OTHER:

**C/D. SURGICAL POSITIONS USED:**  
☒ SUPINE ☐ LITHOTOMY  
☐ PRONE ☐ FOWLERS/SEMI FOWLERS  
☐ J. KNIFE ☐ LATERAL ☐ RT. ☐ LT.  
☐ OTHER:

**C/D. SAFETY BELT/RESTRAINTS USED:**  
☒ ACROSS THIGHS ☒ B/L ☐ RT. ☐ LT.  
☐ ACROSS CALVES ☐ ACROSS HIPS  
☐ ACROSS FEET ☐ ACROSS ABDOMEN  
☐ B/L WRISTS ☐ RT. ☐ LT.  
☐ ARMS TUCKED ☐ RT. ☐ LT.  
☒ BELT DURING INDUCTION/EMERGENCE  
☐ OTHER:

**C/D. PADDING/EQUIPMENT USED AND LOCATION:**  
☐ N/A  
☒ PILLOWS ✓ Knees & Head  
☐ ROLLS/SANDBAGS  
☐ PADS  
☒ EGGCRATE Heels  
☐ STIRRUPS  
☐ LEG HOLDER  
☐ KIDNEY REST  
☐ ARM SLED  
☐ TAPE  
☐ OTHER:

**C/E. SKIN INTEGRITY: PRE-OP**  
☒ SKIN INTACT, ADEQUATE HYDRATION  
☐ TRAUMATIC WOUNDS  
☐ SKIN LESIONS/ULCERS  
☐ PRESENCE OF DRAINS:  
 (CHECK TYPES) ☐ FOLEY ☐ NG  
☐ WOUND ☐ OSTOMIES  
 POST-OP: ☒ SAME ☐ OTHER:

**D. RANGE OF MOTION: PRE-OP**  
☒ WITHIN NORMAL LIMITS  
☐ CONTRACTURES  
☐ FRACTURES ☐ CASTS ☐ TRACTION  
☐ MISSING LIMBS  
☐ PARALYSIS  
☐ OTHER:  
 POST-OP: ☒ SAME ☐ OTHER:

**D. RESPIRATIONS:**  
☒ WITH EASE ☐ LABORED  
☐ VENTILATORY ASSISTANCE/PT. INTUBATED  
☐ TRACHEOSTOMY ☐ OXYGEN IN USE  
 POST-OP: ☒ SAME ☐ OTHER:

**D. ELECTROCAUTERY:**  
☐ MONOPOLAR: ☒ N/A  
 UNIT: \_\_\_\_\_ PAD SITE: \_\_\_\_\_  
 SETTING: CUT: \_\_\_\_\_  
 COAG: \_\_\_\_\_  
 APPLIED BY: \_\_\_\_\_  
 SKIN AT REMOVAL: ☐ INTACT ☐ OTHER:  
☐ BIPOLAR: ☒ N/A  
 UNIT: \_\_\_\_\_ SETTING: \_\_\_\_\_

**D. THERMAL UNITS:**  
☐ N/A  
 TYPE: ☒ BLANKETROL II TEMP: H  
☐ BAIR HUGGER:

**D. TOURNIQUET:**  
☐ N/A  
 UNIT: 2 LUMBER 570 APPLIED BY: TR  
 LOCATION: (6) P. Arm

TIME UP	TIME DOWN	PRESSURE SETTING	TOTAL TIME
0804	0837	220	33

**D. COUNTS**

	PRE-OP	#1	#2	#3	CHANGE OF SHIFT CT.
SPONGE: CORRECT					
*INCORRECT					
NOT TAKEN					
SHARP: CORRECT					
*INCORRECT					
NOT TAKEN					
INSTRUMENT: CORRECT					
*INCORRECT					
NOT TAKEN					

**COUNT BY:**  
 (1) \_\_\_\_\_ CIRCULATOR NURSE  
 (1) \_\_\_\_\_ SCRUB NURSE  
 (2) \_\_\_\_\_ CIRCULATOR NURSE  
 (2) \_\_\_\_\_ SCRUB NURSE  
 (3) \_\_\_\_\_ CIRCULATOR NURSE  
 (3) \_\_\_\_\_ SCRUB NURSE  
 \* ACTION TAKEN: ☐ SURGEON NOTIFIED  
☐ X-RAY TAKEN

**E. CELL SAVER:**  
☒ N/A  
 OPERATOR: 00891  
 TYPE OF USE:



1200157667 402372  
MURPHY, JEDIDIAH  
09/01/1975 24 / M OT  
07/07/00 OSUR ORT  
53502 VANDIVER WILLIAM

### Barriers to Learning Identified on Admission Data Form

Form # 17503 Nov 11/94



DATE 11/1/00 ARRIVAL IN RR 0850 FROM II 1700157667 402372  
 OPERATION/PROCEDURE Repair of Thumbs MURPHY, JEDIDIAH  
Ligament 09/01/1975 24 / M OT  
 SURGEON/OTHER Vandiver ANES B. J. Smith 07/00 DSUR ORT  
93902 VANDIVER WILLIAM

ANESTHESIA: ☐ GEN ☐ SPINAL ☐ LOCAL ☐ OTHER

#### AIRWAY ADJUNCT:

ON ARRIVAL TIME

NONE ☒ IN DC'd

ORAL ☐

NASAL ☐

ETT ☐

CHIN/JAW SUPPORT ☐

EKG RHYTHM NSR

ALLERGIES Iodine

SPECIAL INFO

O<sub>2</sub> VIA ON DC'd

TBAR %

MASK 40 % air 0900

N.C. L/min

ROOM AIR

#### VENT. SETTINGS

TIME RATE TV FIO<sub>2</sub>

#### MEDICATION RECORD

TIME MEDICATION ROUTE AND SITE NURSE

0850 Demerol 25mg STAT MK

0855 Loradol 30mg STAT MC

0900 Demerol 25mg STAT MC

#### MEDICAL HISTORY

#### PREOP BP 135/88 VITAL SIGN RECORD / FREQUENT OBSERVATIONS

TIME	NIBP	ART.BP	PULSE	RESP	TEMP	O <sub>2</sub> SAT	REGIONAL	LAB	XRAY	INITIALS
<u>0850</u>	<u>145/89</u>	<u>-</u>	<u>77</u>	<u>18</u>	<u>96</u>	<u>99</u>				<u>MC</u>
<u>0855</u>	<u>127/89</u>	<u>-</u>	<u>76</u>	<u>18</u>	<u>-</u>	<u>99</u>				
<u>0900</u>	<u>136/89</u>	<u>-</u>	<u>71</u>	<u>18</u>	<u>-</u>	<u>99</u>				
<u>0905</u>	<u>126/86</u>	<u>-</u>	<u>70</u>	<u>18</u>	<u>-</u>	<u>99</u>				
<u>0910</u>	<u>130/79</u>	<u>-</u>	<u>76</u>	<u>18</u>	<u>-</u>	<u>96</u>				
<u>0915</u>	<u>124/82</u>	<u>-</u>	<u>74</u>	<u>18</u>	<u>-</u>	<u>96</u>				
<u>0920</u>	<u>124/80</u>	<u>-</u>	<u>66</u>	<u>18</u>	<u>96</u>	<u>98</u>				

#### INTAKE

TIME NO. SOLUTION AND AMOUNT AMT INFUSED SITE CONDITION ADM DISCH

ON ARR LR 600 LTC 2000 B. J. Smith WNL

#### OUTPUT

TIME VOID CATH NG EMESIS HEMOVAC DAVOL J.P. OTHER

TOTAL

7 Act

WNL OR SEE NN

#### SIGNATURES

PRIMARY NURSE: M. Crouch RN

#### INITIALS

MC

00893

DATE		7/7/60	
TIME	NURSES PROGRESS NOTES	TIME	NURSES PROGRESS NOTES
0850	From OR via stretcher c rails T. Lungs clear to auscultation O <sub>2</sub> 40% Pt. pt awake & talking. Shaking Applied bair hugger warmer. (L) hand cast on. Able to move digits on request. Buck CRT. pt c/o severe pain in (L) hand. Administered Demerol 25mg SUP		
0855	pt still has c/o pain Administered bradol 3mg SUP. Elevated (L) arm — Munchkin		
0900	pt states pain is a little better Administered Demerol 25mg SUP for c/o moderate pain of 6 on 1-10 scale — Munchkin		
0905	pt resting c eyes closed. Resp even & unlabored O <sub>2</sub> sats satisfactory on room air — Munchkin		
0910	Encouraged to deep breath & cough. pt. states pain is better, but still hurts some — Munchkin		
0920	Meets discharge criteria for PAU. Called report to E. Daugherty M — Munchkin		
PAR SCORE/TIME		DISCHARGE SUMMARY	
ACTIVITY	222	DISCHARGE TIME	0920
RESPIRATION	222	VIA	<input type="checkbox"/> BED <input type="checkbox"/> STRETCHER
CIRCULATION	222	OTHER	
CONSCIOUSNESS	222	ACCOMPANIED BY	Munchkin
COLOR	222	TRANSPORTED WITH	<input type="checkbox"/> O <sub>2</sub> <input type="checkbox"/> EKG MONITOR <input type="checkbox"/> AMBU
TOTAL	10/10	RESTRAINTS	<input type="checkbox"/> VEST <input type="checkbox"/> WRISTS <input type="checkbox"/> ANKLES
		TRANSPORTED TO	PAU
		REPORT TAKEN BY	E. Daugherty M AT 09
		<input type="checkbox"/> RAILS UP	<input type="checkbox"/> CALL BELL WITHIN REACH
		FAMILY IN ROOM	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO



<b>Presbyterian Hospital of Kaufman</b> P.O. Box 310 Kaufman, Texas 75142 Phone (972) 932-7200	1200157657 402372 MURPHY, JEDIDIAH 09/01/1975 24 / M 07/07/00 93902 VANOVER WILLIAM
Reason for admission: (L) thumb surgery since 6/22/00	

Language Spoken: English	Height: 5'10"	Weight: 145
Religion: N/A	Highest Level Education: grad H.S.	
Allergies (Medicine, Foods, Other): (Iodine - topical)		
Latex Allergies: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
	NO	YES
		AMOUNT DAILY
Tobacco Use: <input checked="" type="checkbox"/>		3/4 pack
Alcohol Use: <input checked="" type="checkbox"/>		
Recreational Drug Use: <input checked="" type="checkbox"/>		

Last Menstrual Period: N/A	
Do you feel safe at home?	Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>
Have you ever been physically or sexually abused?	Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>
Do you have a living will / advance directive?	Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>
Would you like more information?	Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>

Do you have?	Dentures	Hearing Aid	Glasses/Contacts	Cane
(circle all that apply)	Walker	Braces	Wheelchair	Other:

Health Problems?	Asthma	Angina	Hiatal Hernia	Arthritis
(circle all that apply)	Bronchitis	CHF	Hepatitis	Back problems
	COPD	High Blood Pressure	Ulcers	Stroke
	Pneumonia	Heart Attack	Cancer	Fainting
	T.B.	Rheumatic Fever		Seizures
	Diabetes	Anemia		Paralysis
	Weight Gain/Loss	Bleeding Tendency		Other:

PAIN:	None	Intermittent	Continuous	Date of onset: 6/22/00
Does pain interfere with functional abilities? If yes, describe: Can't work - (Welder)				

PREVIOUS SURGERIES	DATE
(L) hand - neurosurgery GSW	
(R) lung - MVA punctured	
apple	

CURRENT MEDICATIONS			
Prescription Drugs	Dose	Frequency	Last Dose
Over-the-Counter Drugs/Herbal	Dose	Frequency	Last Dose
Do you use complimentary or alternative treatments?			

NUTRITIONAL SCREENING	
Check below all that apply:	
<input type="checkbox"/>	Obesity
<input type="checkbox"/>	Unintentional weight loss >10 lbs in past 6 months
<input type="checkbox"/>	Decreased appetite / food intake
<input checked="" type="checkbox"/>	GI Symptoms: Nausea / Vomiting, Diarrhea > 2 days
<input type="checkbox"/>	Problems: Diabetes, Decubitus ulcer (stage III or IV), Cancer (not restructive) HIV/AIDS
<input type="checkbox"/>	NPO or CLQ for > 3 days
<input type="checkbox"/>	TPN / Tube feeding
<input type="checkbox"/>	Pregnant / Lactating women
<input type="checkbox"/>	Nutrition Assessment: If any box above is checked (pt at nutrition risk) place order in SMS
<input checked="" type="checkbox"/>	None apply

Barriers to learning: (circle all that apply)	Sight	Mental	Emotional
	Hearing	Language	Other
	Age		

Are you:	1) motivated to learn?	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>	
	2) able to understand new information?	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>	

Best approach to learning: (check all that apply)	<input checked="" type="checkbox"/>	Visual	<input type="checkbox"/>	Reading
	<input checked="" type="checkbox"/>	Auditory	<input checked="" type="checkbox"/>	Demonstration

**Signature:**  
**Date:**  
**Nurse:**

*Danley*



**Presbyterian  
Hospital of Kaufman**  
A Member of Presbyterian Healthcare System

1200157647 402372  
MURPHY, JEDIDIAH  
09/01/1975 24 / M OT  
07/07/00 OSUP ORT  
53902 VANOVER WILLIAM

SURGICAL PROCEDURE (L) thumb

Date: 7-7-00 Time: 7<sup>00</sup> If Day Surgery - Designated Driver:

Allergies Topical iodine wife

IV Time: 7<sup>00</sup> IV fluid/amt RL Site R hand Gauge 20 Rate 20

Vital Signs: Temp 95.7 Pulse 72 Resp 20 B/P 133/68

PRE - OP CHECKLIST

	YES	NO	N/A	COMMENTS	RN Int.
CONSENT(S) SIGNED	/	*		* Required	
TRANSFUSION CONSENT NOTED	/	*		* Required	
HISTORY AND PHYSICAL ON CHART	/	*		* Required	
N.P.O. at <u>12</u>	/				
OPERATIVE SITE VERIFIED & LABELED	/				
ALLERGIES NOTED ON FRONT OF CHART	/				
ALLERGY BRACELET ON	/				
ID BRACELET ON	/				
BLOOD BRACELET ON	/		/		
JEWELRY REMOVED	/				
GLASSES / CONTACTS REMOVED	/				
DENTURES REMOVED			/		
NAIL POLISH REMOVED			/		
MAKE UP REMOVED			/		
UNDERWEAR REMOVED	/				
DR NOTIFIED OF ANY ABNORMAL REPORTS			/		
BY:					
LAB REPORTS	/				
X-RAY REPORTS			/		
EKG REPORTS			/		
OLD CHART			/		
CONSULTATION			/		
VOIDED PRIOR TO LEAVING UNIT	/				
SIDE RAILS UP	/				
MAR on Chart	/				

NURSES NOTES (PRE-OP)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TIME TO O.R. \_\_\_\_\_

NURSE SIGNATURE: \_\_\_\_\_

Surgical Pre-Op Checklist

#4375 00897

1200157667 402372 K2  
MURPHY, JEOIDIAH  
09/01/1975 24 / M 67  
07/07/00 OSUR 08T  
93902 VANDIVER WILLIAM

00898

# **AMBULATORY SURGERY DISCHARGE INSTRUCTIONS**

In order to continue your care at home, please follow the instructions checked below.

1200157647 402372  
MURPHY, JEDIDIAH  
09/01/1975 24 / M ST  
07/07/00 0805 018

1. ☒ **GENERAL ANESTHESIA OR SEDATION**  
Do not drive or operate machinery for 24 hours.  
Do not consume alcohol, tranquilizers, sleeping medications, or any non-prescribed medication for 24 hours.  
Do not make important decisions or sign any important papers in the next 24 hours.  
You should have someone with you tonight at home.  
Children may appear flushed for several hours after surgery.
2. ☒ **ACTIVITY**  
You are advised to go directly home from the hospital. Restrict your activities and rest for a day. Resume light to normal activity tomorrow.  
— You may resume normal activity today. Do not engage in strenuous activity that may place stress on your incision.  
— Specific activity instructions: \_\_\_\_\_
3. ☒ **FLUIDS AND DIET**  
Begin with clear liquids, bouillon, dry toast, soda crackers.  
If not nauseated, you may go to a regular diet when you desire. Greasy and spicy foods are not advised.  
— Special diet instructions: \_\_\_\_\_
4. ☒ **MEDICATIONS**  
Prescription sent with you. Use as directed. When taking pain medications, you may experience dizziness or drowsiness. Do not drink alcohol or drive when you are taking these medications.  
— You may take a non-prescription "headache remedy" type medication that you normally use, if your surgeon permits, preferably one that does not contain aspirin.  
— You may resume your daily prescription medication schedule.
5. ☒ **OPERATIVE SITE**  
Keep dressing clean and dry.  
— Do not change dressing.  
— Change dressing when soiled or wet.  
— May remove dressing \_\_\_\_\_  
— May wash over incision in shower.  
— Special instructions: \_\_\_\_\_
6. ☒ **EXTREMITIES: ARMS, HANDS, LEGS, FEET**  
Keep operative extremity elevated as much as possible to lessen swelling and discomfort.
7. **GYNECOLOGICAL PROCEDURES**  
— No tampons, douching, or intercourse until \_\_\_\_\_  
— D&C and laparoscopic patients may have varying amounts of vaginal drainage for a few days.  
— Laparoscopic patients may develop shoulder pain in first 24 hours from residual gas.
8. **EAR SURGERY**  
— No water or foreign objects in ears.
9. ☒ **FOLLOW-UP CARE**  
Call my office to make an appointment for your post-op check up. I want to see you: call 972-932-2122
10. **OTHER**  
\_\_\_\_\_

Call your surgeon if you have any problem that concerns you. After hours, you can reach your physician through his answering service. IF YOU NEED IMMEDIATE ATTENTION, COME TO PHK EMERGENCY CENTER OR TO ANOTHER HOSPITAL NEAR YOUR HOME.  
Emergency Center Phone Number is: 972-932-7245

## **SPECIFIC COMPLICATIONS TO WATCH FOR:**

- |  |   |
|--|---|
| -Fever over 101 F by mouth.                                  | -Numb, tingling, or cold fingers or toes.                             |
| -Pain not relieved by medication ordered (severe).           | -Blood-soaked dressing. (Small amounts of oozing may be normal.)      |
| -Swelling around operative site.                             | -Increasing and progressive drainage from surgical area or exam site. |
| -Increased redness, warmth, hardness, around operative area. | -Inability to urinate.  |

A follow-up call will be attempted by a recovery room nurse in 24-28 hours to check on your progress. If you have any questions, call your doctor.

Physician signature [Signature] Date 7/7/00

I have read and understand the above discharge instructions. I have no further questions regarding these instructions.

Patient signature [Signature] Date \_\_\_\_\_

00899

MAR VERIFIED PRESBYTERIAN HOSPITAL KAUFMAN

BY: \_\_\_\_\_

Name: \_\_\_\_\_

Room:

**Sex:**

**Diagnosis:**

Physician:

**Comments:**

## PRN MEDS

**Allergies:**

S: 1200157547 402372  
MURPHY, JEDIDIAH  
09/01/1975 24 / M OT  
07/07/00 OSUR OTT  
03902 VANDIVER WILLIAM

[illegible]

00900

FINAL CHART - DO NOT DISCARD

PRESBYTERIAN HOSPITAL OF KAUFMAN

850 West Highway 243

Kaufman, TX 75142

(972) 932-7287

CLIA NUMBER: 45D0478494 JCAHO NUMBER: 9116

## CLINICAL LABORATORY

Patient: MURPHY, JEDIDIAH

Hosp #: 120-0157667 Med Rec #: (00002)0000-40-23-72

Location: Room: 0202-01

Physician: VANDIVER, WILLIAM R

## HEMATOLOGY

COLLECT DATE: 06JUL00

COLLECT TIME: 1046

## TEST UNITS

## Complete Blood Count

## RANGE

WBC	x10 <sup>3</sup> /uL	6.3	3.6 - 11.1
RBC	x10 <sup>6</sup> /uL	5.06	4.27 - 5.61
HGB	g/dL	15.5	12.9 - 17.3
HCT	%	45.9	37.6 - 50.5
MCV	fL	90.7	79.3 - 97.3
MCH	pg	30.5	26.8 - 33.4
MCHC	g/dL	33.7	32.9 - 35.5
RDW	%	12.3	11.5 - 15.0
PLT	x10 <sup>3</sup> /uL	256	130 - 400
MPV	fL	8.3	7.5 - 10.7
NEUT	%	46.4	43.2 - 71.5
LYMPH	%	38.8	16.8 - 43.4
MONO	%	9.9	0.0 - 12.4
EOS	%	4.2	0.0 - 7.8
NE#	x10 <sup>3</sup> /uL	3.0	1.9 - 7.2
LYMPH#	x10 <sup>3</sup> /uL	2.4	1.1 - 2.7
MONO#	x10 <sup>3</sup> /uL	0.6	0.0 - 0.8
EOS#	x10 <sup>3</sup> /uL	0.3	0.0 - 0.5
BAO#	x10 <sup>3</sup> /uL	0.0	0.0 - 0.1

MURPHY, JEDIDIAH

Printed: 08JUL00 0052

Page: 1

END OF REPORT

00901



## \*\*\*\*\* LAB EXPEDITE RESULT REPORT \*\*\*\*\*

NAME: MURPHY, JEDIDIAH ACCT #: 120-0157667  
 ROOM: DSUR BED: MED #: (00002)0000-40-23-72  
 DOCTOR: VANDIVER, WILLIAM R ACCESSION: 00-188-00697

## HEMATOLOGY

PROCEDURE	UNITS	REFERENCE RANGE
Complete Blood Count		
WBC	$\times 10^3/\mu\text{L}$	3.6 - 11.1
RBC	$\times 10^6/\mu\text{L}$	4.27 - 5.61
HGB	g/dL	12.9 - 17.3
HCT	%	37.6 - 50.5
MCV	fL	79.3 - 97.3
MCH	pg	26.8 - 33.4
MCHC	g/dL	32.9 - 35.5
RDW	%	11.5 - 15.0
PLT	$\times 10^3/\mu\text{L}$	130 - 400
MPV	fL	7.5 - 10.7
NEUT	%	43.2 - 71.5
LYMPH	%	16.8 - 43.4
MONO	%	0.0 - 12.4
EOS	%	0.0 - 7.8
NE#	$\times 10^3/\mu\text{L}$	1.9 - 7.2
LYMPH#	$\times 10^3/\mu\text{L}$	1.1 - 2.7
MONO#	$\times 10^3/\mu\text{L}$	0.0 - 0.8
EOS#	$\times 10^3/\mu\text{L}$	0.0 - 0.5
BASO#	$\times 10^3/\mu\text{L}$	0.0 - 0.1



WRV - Preshesterion of Kaufman 00157657 402572  
 PRE-OP VERIFICATION FORM JEDIDIAH  
 09/01/1975  
 07/07/00  
 SURGERY DATE 7-7-00 MJC TGS JAR 3ERS VANDI PRD PPT PRSC  
 PRE-OP DATE \_\_\_\_\_ PRE OP LOCATION: DALLAS PLANO WYLIE

PT NAME: Jedidiah Murphy DOB: \_\_\_\_\_  
 INSURANCE CO: Unitron PPO HMO MC WC INDEMNITY  
 PRIMARY \_\_\_\_\_ SECONDARY \_\_\_\_\_ SUPPLEMENT \_\_\_\_\_

## VERIFY

ADDRESS \_\_\_\_\_  
 CITY/STATE/ZIP: \_\_\_\_\_  
 INSURED: \_\_\_\_\_ DOB: \_\_\_\_\_  
 SS#: 456-71-2610 GROUP \_\_\_\_\_ PLAN \_\_\_\_\_  
 WORK COMP CLAIM #: \_\_\_\_\_ D.O.I. \_\_\_\_\_  
 EMPLOYER: Griffin Products W/C CARRIER: Unitron  
 ADJ: Chuck Donley PHONE NO. \_\_\_\_\_  
 REVIEW CO: SW Medical PHONE NO. and 888-336-8159

## PRECERT

PHONE #: 877-768-5439 SPOKE TO: Kenneth  
 CPT CODE \_\_\_\_\_ DIAGNOSIS CODE \_\_\_\_\_  
 DAY SURGERY ☒ DAY SURGERY 23 HR \_\_\_\_\_ SAME DAY ADMIT \_\_\_\_\_ IH \_\_\_\_\_  
 AUTH: 7-11-00 SDA # OF DAYS \_\_\_\_\_ GLOBAL \_\_\_\_\_  
 VALID REFERRAL FROM PCP IN EFFECT YES NO  
 NUMBER OF VISITS LEFT \_\_\_\_\_ GOOD TILL \_\_\_\_\_ ASST SURGEON YES NO  
 SECOND SURGICAL OPINION: NO YES DATE \_\_\_\_\_ /BY \_\_\_\_\_

## BENEFITS

PHONE #: \_\_\_\_\_ SPOKE TO: \_\_\_\_\_  
 COPAY: \$ \_\_\_\_\_ DEDUCTIBLE: \$ \_\_\_\_\_ MET: \$ \_\_\_\_\_ YEAR \_\_\_\_\_  
 EFFECTIVE DATE: \_\_\_\_\_ PAYS \_\_\_\_\_ % OF NEG FEE R/C TO OOP OF \$ \_\_\_\_\_  
 (DOES DOES NOT INCLUDE DEDUCTIBLE), THEN PAYS \_\_\_\_\_ % OOP MET \$ \_\_\_\_\_  
 L.T. MAX \$ \_\_\_\_\_ BENEFITS AVAILABLE FOR ASST SURGEON YES NO  
 IN NET WORK \_\_\_\_\_ OUT NETWORK \_\_\_\_\_ PRE-EXISTING CONDITION YES NO  
 COMMENTS \_\_\_\_\_

## SURGERY CHECK LIST

1. Surgery Scheduled 7-7-00
2. Insurance Verified: ✓

## DEPOSIT

REFER TO LEDGER/ADD NOTE Yes No DISCUSSED WITH PATIENT: \_\_\_\_\_  
 DATE: \_\_\_\_\_ /BY \_\_\_\_\_

See attached

00903



Presbyterian Hospital of Kaufman

1200157567 402372  
 MURPHY, JEDIDIAH  
 09/01/1975 24 / M  
 07/07/00 0509  
 03502 VAN CIVER, WILLIAM

TIME FROM PACU

0925

OR

G.I. LAB

IV: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	LOC Awake <input checked="" type="checkbox"/> Alert <input checked="" type="checkbox"/> Oriented <input checked="" type="checkbox"/> Other <input type="checkbox"/>	Dressing: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	NAUSEA: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Fluids/Amount/Rate: RL KJ0	RESP: WNL <input checked="" type="checkbox"/> Abnormal <input type="checkbox"/>	Site: Cast <input checked="" type="checkbox"/> Other <input type="checkbox"/>	Pain: None <input checked="" type="checkbox"/> Mild <input type="checkbox"/> Moderate <input type="checkbox"/> Severe <input type="checkbox"/>
Site: <input checked="" type="checkbox"/> Hand	SKIN: Warm <input checked="" type="checkbox"/> Cool <input type="checkbox"/>	Drainage: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Siderails Up: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Edema: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Other <input type="checkbox"/>	Scant <input type="checkbox"/> Med <input type="checkbox"/> Large <input type="checkbox"/>	Call light within reach: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Next IV Time:	CIRCULATION STATUS:	Color: Serous <input type="checkbox"/>	Family / S.O. Present: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Fluids/Amount/Rate:	Site: <input checked="" type="checkbox"/> Hand	Sanguinous <input type="checkbox"/>	RX - Given: <input checked="" type="checkbox"/> <i>prior to hosp.</i>
D/C Time: 0940	Warm <input type="checkbox"/> Cool <input type="checkbox"/>	Drains: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Amt. Inf.	Prompt Cap. Refill <i>13 sec.</i>	Type: <input type="checkbox"/>	
<i>J. J. R.N.</i>	N/A	Amount: <input type="checkbox"/>	
		Foley: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
		Voided Time: 0955	
		Amount: <input type="checkbox"/>	

TIME	B/P	PULSE	RESP.	TEMP.	TIME	B/P	PULSE	RESP.	TEMP.
0930	116/65	78	18	96.0					

Discharge Goals Met	Yes	No	Discharge Goals Met	Yes	No
VS WNL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Discharge Instruction Sheet Signed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Circ. Status WNL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Food Drug Guide Given	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Neuro Status Unchanged	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RX Given	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Resp. Status WNL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Discharge Criteria Met	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pain Controlled with Oral Analgesic	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accompanied by Responsible Adult	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tolerating Diet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Physician Notified if discharge criteria no met * - yes [ ]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Voided Prior to Discharge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Orders received	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## NURSES NOTES

Arrived via stretcher from RR AVOX3 (LWNL)  
 a/c cast from elbow to fingers free thumb stabilize  
 cap to fill back to mild pain 0940 At arrival to well  
 fed with intact chevron. Pt refused sandwich crackers Jello  
 down to mod. pain. Vitals at 10:05 given to  
 0955 Pt anxious & ready for DC ride. Has not arrived advised of DC  
 room until ride arrived. Pt upset & left on elevator to  
 wait on ride down stairs against medical advice. Pt got sick  
 B/C dizziness or unsteadiness. Instructed pt to keep arm at 7

Time Discharged

1000

Discharge Destination:

Home

Observation Room

Other

RN Signature:

*J. J. R.N.*

PRESBYTERIAN HOSPITAL OF KAUFMAN  
P.O. BOX 310, HWY. 243  
KAUFMAN, TX 75142

OPERATIVE REPORT

PATIENT NAME: MURPHY, JEDIDIAH  
MR#: 402372  
PHYSICIAN: William R. Vandiver, M.D./ID: 93902  
ADMISSION DATE: 7-7-00  
OPERATION DATE: 7-7-00

ATTENDING ORTHOPEDIC SURGEON: WILLIAM RICHARD VANDIVER, M.D.

PREOPERATIVE DIAGNOSES: Rupture of the ulnar collateral ligament of the left thumb, metacarpal phalangeal joint.

POSTOPERATIVE DIAGNOSES: Same.

NAME OF OPERATION: Open end-to-end repair of the above ligament.

SURGEON: William R. Vandiver, M.D./ID: 93902

ANESTHESIA: LMA administers by Robert V. Johnston, M.D.  
CC: ANESTHESIA SERVICE/ID: 93114

PROCEDURE NOTE: The patient was brought into the Operating Room and placed in a comfortable supine position on the operating table. Once LMA anesthesia had been successfully induced, a tourniquet was placed high in the patient's left arm and the patient's left upper extremity from the bottom end of the tourniquet out to the fingertips was prepped and draped in a routine sterile fashion. The extremity was exsanguinated using a 4 inch Esmarch bandage and the tourniquet was inflated to 220 mm/Hg. A bayonet type incision was made on the dorsal ulnar aspect of the base of the thumb centered over the metacarpal phalangeal joint. Dissection was carefully carried through the subcutaneous fat until the abductor aponeurosis could be seen. The piece of ligament could be seen at the superior end of the piece of aponeurosis. The aponeurosis was split with a pair of scissors. The tendon ends were fairly well approximated once the aponeurosis was split. The repair was carried out using #2-0 Vicryl until a solid repair was achieved. The aponeurosis was repaired back over the ulnar collateral ligament using #4-0 Vicryl and the subcutaneous was also approximated using #4-0 Vicryl. The skin was closed using #4-0 nylon vertical mattress sutures.

A sterile dressing consisting of bacitracin ointment, Adaptic, 4 x 4s and Webril was placed. The tourniquet was taken down. Tourniquet time was 33 minutes. After this, a short arm thumb spica cast was applied using 2 inch fiberglass rolls.

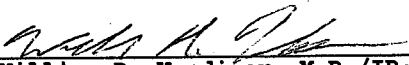
PATIENT NAME: MURPHY, JEDIDIAH  
MR#: 402372  
PHYSICIAN: William R. Vandiver, M.D./ID: 93902

ESTIMATED BLOOD LOSS: Minimal.

There were no specimens and no complications.

Before placing the cast, the patient's joint was stressed and it was seen to be stable now as it was, as the right side was during the preoperative examination.

The patient was taken to the Post Anesthesia Care Unit in stable condition.

  
William R. Vandiver, M.D./ID: 93902

TM  
DD: 07-07-00  
DT: 07-07-00

(END OF REPORT)

**WEDNESDAY 10-4-00**

**2:30PM**

THE VICTIM LEAVES HER RESIDENCE TO GO TO COLIN CREEK MALL

**2:55PM**

VICTIM USES FRANCES CREDIT CARD AT JC PENNEY IN COLIN CREEK MALL. PURCHASES A ROBE. AMOUNT OF SALE IS \$32.73

**4:03PM**

**4:04PM**

**4:16PM**

**4:17PM**

DEFENDANT MAKES FOUR ATTEMPTS TO USE THE VICTIM'S MASTER CARD. ALL TRANSACTIONS OCCUR AT ATM MACHINE LOCATED AT 1225 E BELT LINE IN RICHARDSON. THE NAME OF THIS BUSINESS IS SAVING'S OF AMERICA

**5:00PM to**

**6:00PM**

VICTIM'S SISTER, EVELYN, BECOMES CONCERNED BECAUSE VICTIM DID NOT RETURN HOME

**5:30PM**

THE DEFENDANT PICKS UP HIS NEICE, AHSLEIGH JOHNSON, AT HER RESIDENCE 1718 BARCLAY IN RICHARDSON. HE IS DRIVING THE VICTIM'S CAR A SHORT TIME LATER THEY PICK UP ZACHRY MAMOT AND RYAN HAMMONDS.

**6:05PM**

MURPHY DROPS OFF HIS NEICE AT 1718 BARCLAY. MURPHY AND ZACHRY MAMOT AND RYAN HAMMONDS DRIVE OFF IN THE CAR

**6:20PM**

RICHARDSON MOTORSPORT SALESPERSON, BOBBY HARP, ESTIMATES THE DEFENDANT AND TWO BOYS ARRIVE AT RICHARDSON MOTORSPORT.

**6:49PM**

TIME RECORDED ON THE CASH REGISTER RECEIPT AT RICHARDSON MOTORSPORT

**7:00PM to  
7:30PM**

MURPHY AND ZACHRY MAMOT ARE SEEN RIDING THE GO-PEDS AT HUFFINES PARK IN RICHARDSON. CAUGHT ON VIDEO TAPE

**8:00PM**

THE VICTIM'S SISTER EVELYN, CALLS GARLAND POLICE AND MAKES A MISSING PERSON REPORT.

**9:00PM**

WITNESS, PHILLIP SHAUN CRUZ, ESTIMATES TIME DEFENDANT ARRIVES AT HIS HOUSE LOCATED AT 1922 MATTERHORN IN GARLAND

**11:15PM**

LT THOMPSON NOTIFIED AND RESPONDS TO GPD

**11:30PM**

DEFENDANT ATTEMPTS TO USE VICTIM'S MASTER CARD TO OBTAIN CASH. TRANSACTION OCCURS AT 9620 HARRY HINES BLVD IN DALLAS

**12:00 MIDNIGHT**

**DETECTIVE MYERS NOTIFIED AND RESPONDS TO GPD**

00909

**THURSDAY 10-5-00**

**2:00AM**

DETECTIVE MYERS AND LT THOMPSON CHECK AREA OF COLIN CREEK MALL AND RICHARDSON MOTORSPORT

**4:00AM**

DETECTIVE MYERS AND LT THOMPSON CONTACT EVELYN SHELTON AT THE VICTIM'S RESIDENCE

**4:34AM**

DEFENDANT ATTEMPTS TO USE VICTIMS'S MASTER CARD TO OBTAIN CASH. TRANSACTION OCCURS AT 9620 HARRY HINES BLVD.

**8:00AM**

DETECTIVE MYERS AND DETECTIVE BROWN ALONG WITH FORENSIC INVESTIGATORS ROGERS AND MOWERY ARRIVE AT RICHARDSON MOTORSPORT TO INTERVIEW MARK CANNON AND OBTAIN EVIDENCE. ASSERTAIN THE NAME J ISAAC MURHPEY FROM WARRANTY PAPERS.

**11:00AM**

LT THOMPSON CONTACTS TERRELL PD AND LEARNES THEY HAVE HANDLED A SUBJECT NAMED JEDIDIAH ISAAC MURPHY. INVESTIGATORS FIND TX ID CARD FOR MURPHY WITH 1718 BARCLAY ADDRESS.

**8:00AM**

**12:00 NOON**

TONYA THORP ADISED SHE LEFT HER RESIDENCE AT 1718 BARCLAY IN RICHARDSON AT APPROXIMATELY 8:00AM TO GO



TO WORK. WHEN SHE RETURNED TO THE RESIDENCE AT APPROXIMATELY 12:00 NOON SHE FOUND THE SUICIDE NOTE.

**12:20PM**

DETECTIVE MYERS RESPONDS TO 1718 BARCLAY TO CHECK THE AREA.

**12:30PM**

DETECTIVE MYERS IS ADVISED BY DISPATCH THERE ARE SUBJECTS AT APOLLO JR HIGH IN RICHARDSON THAT HAVE INFORMATION. DETECTIVE MYERS RESPONDS.

**12:35PM**

DETECTIVE BROWN RESPONDS TO APOLLO JR HIGH SCHOOL.

**3:00PM**

**4:00PM**

TRESHOD TARRANT ESTIMATES TIME DEFENDANT ARRIVES AT HIS RESIDENCE IN EDGEWOOD.

**5:00PM**

ERIKA IRWIN ESTIMATES TIME SHE SAW DEFENDANT IN THE VICTIMS CAR AT EDGEWOOD HIGH SCHOOL

**5:27PM**

VICTIM'S CREDIT CARD IS USED AT CHACHO'S IN TERRELL TX IN AMOUNT OF \$33.64

**5:36PM**

VICTIM'S CREDIT CARD IS USED AT CHACHO'S IN TERRELL TX IN AMOUNT OF \$70.44

6:35PM

DEFENDANT USES VICTIM'S CREDIT CARD AT CHACHO'S IN  
TERRELL

6:43PM

DEFENDANT AGAIN USES VICTIM'S CREDIT CARD AT CHACHO'S  
IN TERRELL

7:00PM

DETECTIVE MYERS AND LT THOMPSON RELIEVED BY  
COMMANDER LAY

9:09PM

DEFENDANT USES VICTIM'S CREDIT CARD AT COLE MOUNTAIN  
RESTURANT IN TERRELL TO BUY DINNER FOR HIMSELF AND  
TRESHOD TARRANT.

9:24PM

DEFENDANT USES VICTIM'S CREDIT CARD AT COWBOY QUICK  
STOP IN TERRELL TO PURCHASE GAS. TRESHOD TARRANT IS  
PRESENT

**FRIDAY 10-6-00**

**2:00AM**

VAN ZANDT COUNTY CALLS TO ADVISE THEY HAVE LOCATED  
THE VEHICLE IN EDGEWOOD

**2:10AM**

DETECTIVES MYERS, TOOKE, VANEK AND MENDOZA ALONG  
WITH LT THOMPSON AND COMMANDER LAY LEAVE GPD  
ENROUTE TO EDGEWOOD

MURPHY IS ARRESTED BY VAN ZANDT SHERIFF DEPUTY GARY  
ROSE

MURPHY TELLS WILLS POINT POLICE OFFICER, JASON BOHAM,  
WHERE TO FIND THE VICTIM'S BODY

VICTIMS BODY IS LOCATED AND PRONOUNCED DEAD VAN  
ZANDT COUNTY JUSTICE OF THE PEACE

00913

**COUNTY OF DALLAS  
SHERIFF'S DEPARTMENT  
DALLAS, TEXAS**

**CRIME SCENE SEARCH REPORT**

01-040745

DATE 5/06/01 TIME RECEIVED 10:30pm TIME ARRIVED 10:49pm TIME CLEARED 12:31am

OFFENSE ATTEMPTED SUICIDE

COMPLAINANT OR VICTIM Murphy, Jeddiah Isaac w/m dob: 9/1/75 / BNO#00089253

1718 Barclay / Richardson, Texas

LOCATION OF INVESTIGATION(S) Lew Sterrett Jail (West Tower / 3P1 (cell G)

GRID: 45-N 111 W. Commerce St. / Dallas, Texas

REQUESTING AGENCY Dallas Sheriffs Dept. LATENTS (YES/NO) NO PHOTOS (YES/NO) YES

I was dispatched to the Lew Sterrett Jail (West Tower 3P1 (cell G) at 111 W. Commerce St. in Dallas, Texas on report of an Attempted Suicide of an inmate. On arrival on scene I was advised of the situation by DSS Lachman (DSO/Detentions).

I was advised by DSO Olugbode #5859 that he found MURPHY lying on his bunk at approx. 10:30 pm this date. Prior to my arrival at the scene MURPHY had been taken to the nurses station, then by Dallas FD ambulance to Parkland Hospital for treatment. On examination of the scene it was noted that the mattress was sitting outside the cell door. The mattress had blood on it and there was a large amount of blood inside cell (G).

The razor blade reportedly used by MURPHY to injure himself had been located and was turned over to me by DSS Gentry.

Numerous photographs were taken of the cell area. Measurements were taken of the cell and a sketch was made of the cell.

Along with Deputy Rainey #724 the cell was searched for a possible suicide note. A number of items were collected from the cell that were felt may be related to the suicide attempt.

*R. Allwardt* #133

R. Allwardt #133  
Detective  
Physical Evidence Section

A:\Word\0140745\CS01\IRMA

00914

**COUNTY OF DALLAS**  
**SHERIFF'S DEPARTMENT**  
**SUPPLEMENTARY INVESTIGATION REPORT**

NAME OF COMPLAINANT

SERVICE NO.

Murphy, Jedidiah w/m dob: 9/1/75) **ATTEMPTED SUICIDE**

01-040745

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.  
(Investigating Officer must sign)

Date 5/07/01

At 2:01am I returned to the west tower of the Lew Sterrett Jail to pick up digital photographs of the self inflicted injuries to MURPHY. While talking with DSS Lachman I was advised that MURPHY had been treated and returned from Parkland Hospital. MURPHY was being interviewed by Detective Cook (DSO/CIS) regarding this case. I cleared from the location at 2:40 am this date.

*R. Allwardt* #133

R. Allwardt #133  
Detective  
Physical Evidence Section

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00915  
✓

Certification

The State of Texas     X

County of Dallas       X

I, Jim Hamlin, Clerk of the 194TH JUDICIAL DISTRICT COURT of Dallas County, Texas do hereby certify that the documents contained in this record to which this certification is attached are all of the documents specified by Texas Rule of Appellate Procedure 34.5 (a) and all other documents timely requested by a party to this proceeding under Texas Rule of Appellate Procedure 34.5 (b).

GIVEN UNDER MY HAND AND SEAL at my office in Dallas County, Texas this 25TH day of OCTOBER, 20 01.

Signature of clerk *Jane Miller*

Name of clerk JANE MILLER

Title DEPUTY CLERK